

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ALONZO AUSTIN)	
)	
Plaintiff,)	
)	
v.)	3:07-cv-754-MHT
)	
CITY OF TUSKEGEE, <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO AMEND THEIR
MOTION FOR SUMMARY JUDGMENT
AND SUPPORTING BRIEF

COME NOW the Defendants, by and through counsel, and respectfully move this Honorable Court to allow them to amend their Motion for Summary Judgment, and state the following:

1. These Defendants inadvertently failed to include a copy of Exhibit 5 (Plaintiff's Deposition transcript) referred to in their Supplement when it was filed with the Court. A copy is included herewith.

2. At his deposition, pursuant to Rule 30(e) of the *Federal Rules of Civil Procedure*, Plaintiff Austin requested to review the transcript and submit a signed statement listing the corrections thereto. To ensure that the record of the Plaintiff's transcript is complete, a signed copy of Plaintiff Austin's corrections and the reasons given therefor is attached herewith to Exhibit 5.

3. This amendment will not unfairly prejudice the Defendant and is merely for the purpose of correcting a clerical error.

WHEREFORE, on the grounds set forth above, these Defendants respectfully pray this Honorable Court permit their Motion for Summary Judgment be amended as set out herein.

/s/S. Mark Dukes

S. MARK DUKES (ASB-9697-U77S)
Counsel for Defendants City of Tuskegee,
Mayor Johnny Ford, Judge Albert C. Bulls,
III, Chief Lester Patrick, Honorable R.
Keith Thomas, and Officer Bernice Dawson

OF COUNSEL:

Nix, Holtsford, Gilliland, Higgins & Hitson, P.C.

P.O. Box 4128

Montgomery, Alabama 36103-4128

334-215-8585

334-215-7101 - Facsimile

mdukes@nixholtsford.com

CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing instrument has been served by Certified Mail, Return Receipt Requested to

Mr. Alonzo Austin
1321 Oliver-Carlis Road
Tuskegee, AL 36083

on this the 14th day of May, 2008.

/s/S. Mark Dukes
OF COUNSEL

DEPOSITION OF ALONZO AUSTIN

March 28, 2008

Pages 1 through 132

PREPARED BY:

Haislip, Ragan, Green, Starkie & Watson, P.C.

566 South Perry Street

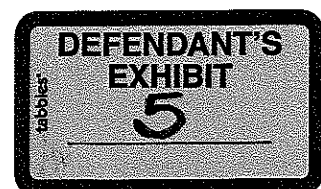
Post Office Box 62

Montgomery, AL 36104

Phone: (334) 263-4455

Fax: (334) 263-9167

E-mail: haislipragan@charter.net



Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ALONZO AUSTIN,

Plaintiff,

Vs.

CIVIL ACTION NO.

3:07-cv-754-MHT

CITY OF TUSKEGEE, et al.,

Defendants.

DEPOSITION OF ALONZO AUSTIN, taken pursuant

to stipulation and agreement before Lisa J. Green,
CCR, ACCR # 334, Registered Professional Reporter and
Commissioner for the State of Alabama at Large, in the
Law Offices of Nix, Holtsford, Gilliland, Higgins &
Hitson, Suite 300, 4001 Carmichael Road, Montgomery,
Alabama on Friday, March 28, 2008, commencing at
approximately 9:10 a.m.

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APPEARANCES

FOR THE PLAINTIFF:

Mr. Alonzo Austin (pro se)
1321 Oliver-Carlis Road
Tuskegee, AL 36083

FOR THE DEFENDANT:

Mr. S. Mark Dukes
NIX, HOLTSFORD, GILLILAND,
HIGGINS & HITSON
Attorneys at Law
Suite 300
4001 Carmichael Road
Montgomery, AL 36106

EXAMINATION INDEX

ALONZO AUSTIN
BY MR. DUKES 4

(No exhibits were marked to this deposition.)

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STIPULATION

It is hereby stipulated and agreed by and
between counsel representing the parties that the
deposition of ALONZO AUSTIN is taken pursuant to the
Federal Rules of Civil Procedure and that said
deposition may be taken before Lisa J. Green,
Registered Professional Reporter and Commissioner for
the State of Alabama at Large, without the formality
of a commission, that objections to questions other
than objections as to the form of the question need
not be made at this time but may be reserved for a
ruling at such time as the said deposition may be
offered in evidence or used for any other purpose by
either party provided for by the Statute.

It is further stipulated and agreed by and
between counsel representing the parties in this case
that the filing of said deposition is hereby waived
and may be introduced at the trial of this case or
used in any other manner by either party hereto
provided for by the Statute regardless of the waiving
of the filing of the same.

It is further stipulated and agreed by and
between the parties hereto and the witness that the

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signature of the witness to this deposition is hereby
not waived.

ALONZO AUSTIN

The witness, after having first been duly
sworn to speak the truth, the whole truth and nothing
but the truth testified as follows:

EXAMINATION

BY MR. DUKES:

- Q. Would you tell me your full name, please, sir,
and the correct spelling for the record.
A. Yes, sir. Alonzo Austin. Alonzo,
A-L-O-N-Z-O, Austin, A-U-S-T-I-N. No middle
name.
Q. Mr. Austin, have you ever given a deposition
before?
A. I have not.
Q. All your prior litigation, you've never given
a deposition?
A. I have not.
Q. Let me tell you a little bit here about

Page 5

1 something we need to discuss up front. You
2 have the option of proceeding under what's
3 called usual stipulations. That basically
4 says that any objections are waived except for
5 the form of the question and any of those
6 relating to privilege, and those objections
7 can be made at a later time with the court,
8 and you would waive reading and signing your
9 deposition before it's filed.

10 If you do not agree to that, then you
11 will be forwarded a copy of the deposition
12 transcript. You'll get 30 days in which to
13 review it and make any changes to clerical
14 mistakes, misspellings, and things like that,
15 and then sign it and return it. Which way
16 would you prefer to go on that?

17 A. The second one.

18 Q. Okay, sir. Mr. Austin, have you used any
19 other names, nicknames, street names, family
20 names that people would refer to you by?

21 A. No, I have not, other than Al. Big Al.

22 Q. Okay.

23 A. Short for Alonzo.

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1 Q. Where were you born?

2 A. Hardaway, H-A-R-D-A-W-A-Y, Alabama. I believe
3 that Zip is 36039.

4 Q. That's in Macon County?

5 A. Yes, sir.

6 Q. What's your date of birth?

7 A. 4-3-46.

8 Q. Where were you raised?

9 A. In Hardaway.

10 Q. What's your social security number?

11 A. [REDACTED]. Actually, let me clarify. I
12 think I may want to amend that and have that
13 just 0358 as opposed to the first five numbers
14 if that's okay. I was told that I probably
15 need to do that, not be so free with it.

16 Q. Were you given any specific advice on what
17 information to divulge or not to divulge at
18 this deposition by anyone?

19 A. No, other than myself.

20 Q. Have you consulted anyone for legal advice as
21 to how you should proceed with this
22 deposition?

23 A. No one other than myself and the rules.

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1 Q. Do you have a driver's license?

2 A. I do, sir.

3 Q. And what state was that issued by?

4 A. Alabama.

5 Q. What is the number?

6 A. 4575542.

7 Q. Are there any restrictions on that license?

8 A. Not that I know of.

9 Q. You don't have to wear glasses or anything to
10 drive?

11 A. My wife thinks I should, but no.

12 Q. Have you ever had a license issued by any
13 other state?

14 A. I have.

15 Q. What state was that?

16 A. California.

17 Q. When did you have a California license?

18 A. It was during the time I lived out there. I
19 resided in California after I got out of the
20 Marine Corps in 1968, on January the 12th,
21 through June the 9th, 1975.

22 Q. What is your current residence address?

23 A. 1321 Oliver, O-L-I-V-E-R, then there's a

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1 hyphen, C-A-R-L-I-S, Road, Tuskegee.

2 Do you want me to spell that for you?

3 Q. No, sir.

4 A. Alabama. The Zip, 36083.

5 Q. How long have you lived at that address,
6 Mr. Austin?

7 A. Oh, goodness, since about -- we started
8 building in '82. Permanent-ized, maybe from
9 about August of '85.

10 Q. Where did you live before that?

11 A. Well, I resided in Tuskegee. We had the same
12 address, but I was approximately two miles in
13 a rental house from there.

14 Q. How long have you lived in Tuskegee? Well,
15 let me rephrase that question. How long have
16 you lived in Tuskegee now since you moved back
17 from California?

18 A. I came back in '75. On the 11th I arrived
19 here. I lived with -- I lived in Hardaway
20 until I got married, so ... let's see. From
21 June the 9th, 1975 through October 4, 1976. I
22 had better get that right. My wife will kill
23 me.

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1 So I lived in Hardaway up until that
2 point. Then I moved in with my mother and
3 father-in-law for about five or six months and
4 then to the other homeplace that I referred to
5 prior to moving in '85.

6 Now, I can go a little slower to make
7 sure you get all that.

8 Q. I'm fine. Thank you, Mr. Austin.

9 I gather, then, since 1976 you've lived
10 in Tuskegee?

11 A. Yes, sir. Well, let me give you this. My
12 residence was in Tuskegee, but I did attend
13 Atlanta Area Tech for a year in '77, but I
14 only commuted up. So I don't know if you want
15 to include that anywhere in the deposition or
16 not.

17 Q. Who lives with you at 1321 Oliver-Carlis Road?

18 A. My wife, Yvonne, Y-V-O-N-N-E, A-U-S-T-I-N.
19 Sometimes she puts a K. for her middle name.
20 That's her maiden name, which was Kindell,
21 K-I-N-D-E-L-L.

22 Q. Are your parents still living?

23 A. No, sir.

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1 Q. Tell me about your educational background,
2 please, sir.

3 A. Well, I dropped out of high school in '63,
4 Deborah Cannon Wolfe High School in Shorter,
5 Alabama.

6 Q. What grade did you complete?

7 A. 10th. I was in the 11th when I left high
8 school.

9 Q. Since that time, have you gone back and
10 finished high school or gotten a GED?

11 A. I received my GED in Astoria, Oregon at Tongue
12 Point Job Corps Center, so let me help you out
13 there. That was in '65. GED, Tongue Point.
14 Do you need that information?

15 Q. No, sir.

16 A. Okay.

17 Q. Since getting your GED, have you gone on to
18 college, junior college --

19 A. Atlanta Area Tech.

20 Q. Hold on. Let me finish my question. It makes
21 it very hard for her to get both of us at the
22 same time.

23 A. Okay.

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1 Q. Since you got your GED, have you gone on and
2 attended any junior college, trade school,
3 college, any other type of formal education?

4 A. Atlanta Area Tech in the year -- from January
5 of '77 through December. I received my
6 diploma in machine shop, tool and die.

7 Q. Have you ever had any other training or formal
8 education?

9 A. I had a little. I attended school in 1980
10 here, H & R Block, on the East South
11 Boulevard. I obtained a diploma there in
12 1980.

13 Q. What was that diploma in?

14 A. Income tax preparation.

15 Q. Do you attend church anywhere once a month or
16 more often?

17 A. Absolutely not.

18 Q. Does your wife?

19 A. My wife does. For the record, I'm an
20 agnostic.

21 Q. Where does your wife attend church?

22 A. Boy, you hit me with that. Let's see.

23 Pleasant, P-L-E-S-A-N-T, Pleasant Grove. I

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1 think I'm right. G-R-O-V-E.

2 Q. Where is that?

3 A. In Tuskegee. Tuskegee, Notasulga area. It's
4 along 81 there.

5 Q. Okay.

6 A. I would think it's in Tuskegee.

7 Q. What denominational affiliation is that?

8 A. Baptist.

9 Q. Do you now or have you ever been a member of
10 any type of organization, such as fraternal,
11 professional, benevolent, unions, social
12 clubs, hunting clubs, Masons, Shriners,
13 anything like that?

14 A. I was in a union in California in 1970. That
15 was -- I'm trying to think. I was a taxicab
16 driver, and I'm trying -- it was the
17 chauffeurs, but I can't give you the exact
18 number.

19 And I also was a union in -- a member of
20 a union in '72 when I drove for Santa Monica
21 Municipal Bus Line, but I'm sorry. I can't
22 recall specifically.

23 Q. Have you been involved in any union activities

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1 since the seventies?
 2 A. No, sir.
 3 Q. Have you been involved or a member of any
 4 other type of organization?
 5 A. Currently, I'm involved with the Macon County
 6 Forestry Committee. That's in Tuskegee.
 7 Q. What is the Macon County Forestry Committee?
 8 A. Basically, it's a committee between the
 9 farmers and the professionals, those people
 10 like extension agents and -- that like to have
 11 that information that they can coalesce around
 12 the farmers to help us be able to become
 13 better farmers basically. That's
 14 essentially ...
 15 It's a joining of the professionals and
 16 the laypeople in an activity. And, of course,
 17 what we're trying to do is bring some of the
 18 smaller kids -- well, 4-H-ers into the
 19 organization, help them facilitate dates and
 20 stuff for fishing, you know, as part of the
 21 forestry commission, archery, you know, trying
 22 to familiarize them with trees, you know, if
 23 they want to become a forester, how to

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1 identify trees, marking trees.
 2 They can get a chance to come down on my
 3 little beach area and play in the sand and go
 4 out for marine biology, you know, fishing.
 5 And trying to provide some recreation, pull
 6 them into -- in a coalesce -- ball where they
 7 can have some kind of cohesiveness in terms of
 8 where they can go for an outlet as well as
 9 knowledge.
 10 It's one of those community things.
 11 We're kind of trying to do what Montgomery is
 12 doing, Montgomery County, and what Tallapoosa
 13 County is doing and then what Bullock County
 14 is doing. So it's working. That's basically
 15 what that forestry committee is about, trying
 16 to make, actually, Macon County citizens
 17 better citizens.
 18 Q. Are you an officer of that organization?
 19 A. No, sir, I'm not.
 20 Q. Have you been?
 21 A. Never.
 22 Q. What is the basis for your membership in
 23 that? Are you a landowner?

Page 15

1 A. I am.
 2 Q. Do you have some forest land?
 3 A. We do.
 4 Q. Where is that?
 5 A. That's the same location that I gave you, 1321
 6 Oliver-Carlis Road.
 7 Q. How many acres do you have there?
 8 A. Approximately 71.
 9 Q. Is that all in forest?
 10 A. No, sir. There is some farmland, some
 11 grassland, some wetlands. A combination.
 12 Q. Is any of that land currently being
 13 cultivated?
 14 A. No, sir.
 15 Q. When was the last time it was cultivated?
 16 A. We have not cultivated any at all in my
 17 tenure. My father-in-law did prior to my
 18 arrival, but I think it was, like, in the
 19 sixties.
 20 Q. This is land you acquired from your
 21 father-in-law?
 22 A. My wife's property.
 23 Q. Other than being a member of the Macon County

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1 Forestry Committee, are you involved in any
 2 other --
 3 A. Not that I can think of.
 4 Q. Are you involved in any Veterans groups,
 5 anything like that?
 6 A. No, sir.
 7 Q. Your wife's name is Yvonne. Did you say
 8 Kindell was her maiden name?
 9 A. Yes, sir. K-I-N-D-E-L-L.
 10 Q. Is she from the Tuskegee area?
 11 A. Yes, sir.
 12 Q. When were y'all married?
 13 A. October 4, 1976.
 14 Q. Did that marriage take place here in Alabama?
 15 A. It did. In Tuskegee, Macon County Courthouse
 16 under the Honorable Preston Hornsby.
 17 Q. Do you and your wife, Yvonne, have any
 18 children together?
 19 A. Yes, sir, we have three daughters.
 20 Q. Starting with the oldest, what is her name?
 21 A. Tamika, T-A-M-I-K-A, middle name Janine,
 22 J-A-N-I-N-E, last name Austin, A-U-S-T-I-N.
 23 Q. Approximately how old is she?

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1 A. 31.
2 Q. Where does she live now?
3 A. In Montgomery.
4 Q. What kind of work does she do?
5 A. She's an accountant for the city of
6 Montgomery.
7 Q. Is she married?
8 A. No, sir.
9 Q. Who is your next older daughter?
10 A. Keinee, K-E-I-N-E-E, middle name G-E-R-E-N-E,
11 Austin, A-U-S-T-I-N.
12 Q. How old is she?
13 A. 29.
14 Q. Where does she live?
15 A. Montgomery.
16 Q. Where does she work?
17 A. She works at the rehab hospital, HealthSouth,
18 as an occupational therapist supervisor.
19 Q. Is she married?
20 A. No, sir.
21 Q. Who's your youngest daughter?
22 A. Metara, M-E-T-A-R-A, T-E-N-A-Y middle name,
23 Austin, A-U-S-T-I-N. Unmarried.

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1 Q. How old is she?
2 A. 28.
3 Q. Where does she live?
4 A. In Montgomery.
5 Q. Where does she work?
6 A. She works for Tuskegee University.
7 Q. What does she do there?
8 A. She's a nutritionist, and she's also the
9 extension agent representing Montgomery and
10 Macon County.
11 Q. Do you have any children other than these?
12 A. Not that I know of, sir.
13 Q. Does your wife have any children other than
14 these?
15 A. No, sir.
16 Q. Is your marriage to Yvonne Kindell your only
17 marriage?
18 A. It is.
19 Q. Have you ever been arrested for anything,
20 Mr. Austin?
21 A. I have, yes, sir.
22 Q. What was that?
23 A. Going back to '71, I had warrants for tickets

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1 out in California.
2 Q. Was that unpaid traffic tickets?
3 A. Yes, sir.
4 Q. What happened with that?
5 A. Well, I paid them off.
6 Q. Any other arrests?
7 A. Yes, sir. See if I can keep these in line
8 here, now. Came here. I was arrested, let's
9 see, I think in '91 in Tuskegee.
10 Q. What was that about?
11 A. It was about placing a young man on the ground
12 who was throwing eggs at the parade at my
13 daughter and her friends.
14 Q. What were you charged with?
15 A. I'd have to pull that up. I'm trying to think
16 specifically. It was -- It wasn't a felony.
17 It was a misdemeanor. So I can't -- I'm
18 trying to remember what I was charged with. I
19 don't have the specifics, but I can pull that
20 up.
21 Q. Was it assault? Harassment? Disorderly
22 conduct? Do you recall?
23 A. I can't recall, but I know I was convicted and

Page 20

1 placed on community service. But I -- I'm
2 sure I can pull that up. I'll be glad to do
3 that.
4 Q. I would appreciate it if you would, please.
5 Was that handled in city court?
6 A. It was.
7 Q. Did you serve any period of time in the city
8 jail as a result of that conviction?
9 A. No, sir.
10 Q. Just ordered to pay a fine?
11 A. I'm trying to remember if I was ordered to pay
12 a fine. I don't recall. I think I may have
13 been ordered to pay a fine and then community
14 service.
15 Q. Any other arrests?
16 A. Yes, sir. I was arrested at the V.A. on my
17 job.
18 Actually, if I may, let me back up. Let
19 me back up to 1990, I'm sorry, before the last
20 arrest we talked about. I was arrested in
21 Tallapoosa County.
22 Q. What were you charged with?
23 A. Specifically, I really -- I'm trying to -- I

Page 21

1 can pull that. I have that at the house.
 2 I've just got to locate it. But I was placed
 3 in jail, let's see, one, two -- three times we
 4 were in court. And the judge, the Honorable
 5 Dale Segrest -- it may have been contempt; I'm
 6 not sure -- placed me in jail on three
 7 occasions as I objected to some of the
 8 proceedings.

9 Q. How long did you spend in jail on each of
 10 those times?

11 A. I went in initially that same day, and I think
 12 I was down maybe 20 minutes. And he sent the
 13 bailiff down and brought me back up. And I
 14 came up and he asked me, I believe, if I was
 15 ready to behave, and I indicated that I was.

16 The proceedings started again, and
 17 within, I'd say, the next 15 or 20 minutes, he
 18 ordered me back in jail. I was down for, I
 19 think, the rest of the hearing.

20 I don't want to put you to sleep.

21 Q. No. No.

22 A. And he came -- he sent the bailiff down
 23 again. I remember the bailiff's words. He

Page 22

1 said, Mr. Austin, he said, for God's sake, I'm
 2 tired of walking up and down these stairs.
 3 Said, when you get up there, just keep your
 4 mouth shut.

5 And I recall telling him that I hadn't
 6 planned on coming back up those stairs until
 7 Channel 12 came down. I told him to tell the
 8 judge that I was not coming up until he wrote
 9 a statement -- because I was currently working
 10 at the V.A. -- explaining why I would not be
 11 attending my work session that evening because
 12 we were running out of time. So he prepared a
 13 statement which I have at the house. I'll try
 14 and find it and I can provide you copies of
 15 it.

16 After that, I came up. We shook hands.
 17 My wife and my mother-in-law was in the
 18 office. My wife was crying a little. My
 19 mother-in-law was a little dazed. So we left.

20 Q. Now, as I understand it, that was two times.
 21 Was there a third time?

22 A. Yes, sir, there was a third time. The third
 23 time, again -- This time I was arrested at the

Page 23

1 V.A. by Probate Judge Alphonza Menefee.

2 Q. Let me back up a minute. When you were
 3 talking about 1990 in Tallapoosa County --

4 A. Yes, sir.

5 Q. -- I believe you said you were held in
 6 contempt and put in jail three times, and I
 7 think you only mentioned two.

8 A. It was two. The third time I came out, you
 9 know, he didn't -- he only came right after --
 10 I insisted that he give me some kind of
 11 statement that would enable me to get back to
 12 the V.A. and work so they'd understand that I
 13 had a reasonable excuse for not coming to
 14 work.

15 The third time I was arrested in '93. I
 16 believe it was September the 15th at the V.A.
 17 Medical Center after an order by Probate Judge
 18 Menefee that -- I was in contempt of court, I
 19 believe, for not turning over documents and
 20 papers that belonged to the principal. I was
 21 an attorney-in-fact and an agent at that time
 22 for my deceased cousin, Ruth H. Lewis, and I
 23 was incarcerated for a period of 24 hours.

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1 And I can get that to you if you need it.

2 Q. That's okay. I'm familiar with that case. I
 3 believe there's litigation currently pending
 4 on that; is that correct?

5 A. I think so, sir.

6 Q. In fact, it's on appeal to the 11th Circuit
 7 Court of Appeals?

8 A. That's correct.

9 Q. Your lawsuit was dismissed here in the U. S.
 10 District Court for the Middle District of
 11 Alabama, and you've appealed that to the 11th
 12 Circuit Court of Appeals?

13 A. Correct.

14 Q. Have you been arrested any other times?

15 A. I have.

16 Q. When was that?

17 A. In '02. I believe it was September the 19th.

18 Q. What did that have to do with?

19 A. That had to do with carrying a concealed
 20 weapon in the federal courthouse.

21 Q. Was that here in Montgomery?

22 A. No, in Cleveland, Ohio.

23 Q. What happened with that?

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1 A. Frankly, to be honest about it, I don't know
 2 how they worked it. I made contact with the
 3 federal court on a number of occasions. I
 4 have that in writing, but I can't exactly tell
 5 you the name of the attorney that was
 6 involved. But he indicated that he would get
 7 on it and the chances are, based on the facts
 8 of the case, I would not have to return to
 9 Cleveland but, rather, I could possibly settle
 10 that with a fine at the most in Opelika once
 11 he got back to me. This was December or
 12 January of '03 -- December of '02 and into
 13 January of '03.

14 Q. Have you ever gone to court on that?

15 A. No, sir. He indicated that that's probably
 16 what would happen if I went, that, you know, I
 17 would probably have to pay a fine of \$50 or
 18 something. As I was up there -- at that time,
 19 I was involved in a case relative to our
 20 property up there, a Section 8 tenant and the
 21 Cuyahoga Metropolitan Housing Authority.
 22 (Brief interruption.)

23 A. There was a Section 8 tenant in my home, and

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1 the defendants were the Cuyahoga Metropolitan
 2 Housing Authority. They had breached the
 3 agreement to pay, so ...

4 I had tried to get the case down here,
 5 and, of course, they eventually transferred it
 6 back to Cleveland. And then I was on my way
 7 up there then into the courthouse so I could
 8 begin the process ...

9 MR. DUKES: C-U-Y-A-H-O-G-A.
 10 (Off-the-record discussion.)

11 A. I don't think I've had another arrest since
 12 then.

13 Q. You seem a little uncertain. Is there a
 14 possibility that you've had an arrest since
 15 then?

16 A. No, sir. I'm just trying to be as honest as I
 17 can.

18 Q. What type of legal proceeding was it that you
 19 were involved in in 1990 in Tallapoosa County
 20 where you were held in contempt?

21 A. That had to do with a property transfer and an
 22 attorney -- an attorney settlement that my
 23 wife and the attorney had reached relative to

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1 some property that the attorney had assumed
 2 control over relative to another relative who
 3 lived in Illinois who did not really have the
 4 authority.

5 And so my wife intervened, and eventually
 6 it took us about 15 to 16 years. We
 7 eventually reached a settlement after double
 8 assessing the property for a number of years
 9 with the attorney. But the attorney did
 10 decease before the process was completed, and
 11 we were told -- and we probably should have
 12 gone, in our estimation, to probate court. We
 13 wound up somehow in circuit court after the
 14 widower went and sought legal advice.

15 And that's where we were when this
 16 transpired. My objections were to the circuit
 17 court that venue was improper as well as
 18 jurisdiction and we should have been in the
 19 probate court, so that's the essence of that.

20 Q. Who was your lawyer at the time?

21 A. Represented myself, pro se.

22 Q. Who was your relative that you were helping
 23 out with that?

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1 A. That was my wife, Yvonne.

2 Q. Was it her property?

3 A. It was.

4 Q. I believe you said you served in the Marine
 5 Corps.

6 A. Yes, sir.

7 Q. What years did you serve?

8 A. From approximately 11-25, I believe, '65
 9 through January the 12th, 1968.

10 Q. What kind of discharge did you receive?

11 A. Honorable. General under honorable conditions
 12 I believe it was.

13 Q. What were the -- What was the situation of
 14 your discharge?

15 A. How do you mean that?

16 Q. Well, when you get a general discharge, you're
 17 generally leaving under some reason other than
 18 your end of your term of service or --

19 A. I may have misspoken. My service had
 20 terminated. I know I have an honorable
 21 discharge, but I was just trying to see was
 22 that attached or not. Perhaps if not, then
 23 please strike that. There were no conditions

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1 attached to my discharge other than it was
 2 honorable.
 3 Q. What was the highest rank you achieved?
 4 A. PFC.
 5 Q. What was your specialty?
 6 A. Infantryman.
 7 Q. Have you received any traffic citations in the
 8 last five years?
 9 A. I have.
 10 Q. What were they?
 11 A. I'm trying to think. I'm going to have to
 12 pull some of them up. I know recently in the
 13 last couple of years, I've had safety belt
 14 violations. I had one as recently as last
 15 month, I believe. And then I think I had one
 16 October of last year, and then I think I had
 17 one on the 14th of February, thereabouts, in
 18 2007.
 19 Now, with respect to speeding tickets,
 20 I'm trying to remember. How can I forget this
 21 one down in Florida? Actually, it wasn't a
 22 speeding ticket. It was a seat belt
 23 violation. Scratch that. I'm sorry.

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1 What I can do is find out as far as
 2 speeding tickets are concerned because I'm --
 3 you know, I'm drawing a blank on those.
 4 Q. Were you cited by a state trooper in Florida
 5 for speeding in the last five years?
 6 A. No, sir.
 7 Q. Have you ever been cited by a state trooper in
 8 Florida for --
 9 A. Not for speeding.
 10 Q. What were you cited for?
 11 A. Seat belt violation.
 12 Q. Did you ever sue a Florida state trooper for
 13 any reason?
 14 A. We're currently in litigation, sir.
 15 Q. What is that over?
 16 A. Seat belt violation. Officer James S.
 17 Gaskett. Sergeant, as a matter of fact,
 18 number 14.
 19 Q. Why are you suing him for a seat belt
 20 violation?
 21 A. Well, according to what I've been able to
 22 determine, there's a preemption by the state
 23 of Florida, and you cannot charge a driver as

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1 a primary offense. That was the only offense
 2 I had. In the state of Alabama you can, with
 3 a \$10 fine, unfortunately.
 4 Q. Where is that lawsuit currently pending?
 5 A. Northern District of Florida in, I think -- I
 6 believe it's Gainesville. You know, I guess
 7 Gainesville, but it said something about
 8 Tallahassee. I don't know exactly if there's
 9 a division. Chances are, there's a division.
 10 I can get you that information if you'd like
 11 me to.
 12 Q. Are you representing yourself in that lawsuit?
 13 A. I do, sir.
 14 Q. That was originally filed here in the U.S.
 15 District Court for the Middle District of
 16 Alabama?
 17 A. That's correct.
 18 Q. And that was transferred to Florida at the
 19 request of the state of Florida?
 20 A. I believe it was by the assistant attorney
 21 general there, and I did not contest it.
 22 Q. Have you had any speeding -- or received any
 23 speeding citations in the last five years?

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1 A. Okay. Yeah, I did. I got one in Ohio I know.
 2 Q. When was that?
 3 A. Specifically, I'm thinking '03, '04, somewhere
 4 in there. I'm not sure. But I know -- I can
 5 remember the officer because I was driving my
 6 Suburban. I was -- come falling off of a
 7 hill. I remember that one. But I don't
 8 remember exactly which year.
 9 Q. That was 2003 or 2004 in Ohio?
 10 A. I would have to guess, but I can pull it up to
 11 make absolutely certain.
 12 Q. What happened as a result of your receiving
 13 that speeding citation?
 14 A. I paid it.
 15 Q. Have you received any other speeding citations
 16 in the last five years?
 17 A. I'm trying to trick my mind to think. I can't
 18 pull one up in my mind. But what I'd like to
 19 do is be able to check and find out because I
 20 can't -- I can't pull it up in my mind
 21 currently.
 22 Q. Are there others that you've received in the
 23 last five years that you just can't remember

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1 the details of?

2 A. I don't -- No, I'm not saying that. I don't
3 know if I received any. This is the point.
4 If I could just get the information back to
5 you, I'd be glad to do that. I can call and
6 find out for sure.

7 I've had extensive travel between the
8 home up there in Cleveland and back here in
9 Alabama, so ... I'm struggling, trying to see
10 if I can come up with one. Right now, I can't
11 think of one, but I'm sure I can -- if there's
12 one out there, I'll locate it, get it back to
13 you, sir.

14 Oh, the speeding ticket, I'm sorry, the
15 one that I'm here on, were you referring to
16 that one as well?

17 Q. Well, that and any others that you've
18 received.

19 A. Yeah. I didn't know if you were referring to
20 that one. I know you knew about that one.

21 Yes, sir, that speeding ticket I got on the
22 5th of July in '07.

23 Q. That was one that was written by Officer

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1 Q. Well, I'm not concerned about the ones born in
2 the last two or three years. I'm only
3 concerned about those that are 18 or older.

4 A. That's my point, though. I'm saying I
5 don't -- you know, see, a lot of times -- I
6 don't -- honest to God, I don't even -- my mom
7 and my dad, so-called father, was not
8 married. People come up to me all the time
9 and say, oh, you so-and-so. Did you know we
10 were kinfolk?

11 When you ask me that question, very
12 generic in nature, there's just no way I can
13 know. I don't even know if I would know even
14 if the facts were there because my lineage, my
15 tree -- I mean, I don't have that kind of
16 information.

17 Q. What was your father's name?

18 A. I don't even know that.

19 Q. Well, you just referred --

20 A. Yeah, I did refer to him, but I don't know
21 what his name was. I know what they called
22 him.

23 Q. What did people call him?

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1 Dawson?

2 A. Yes, sir, that gave rise to this lawsuit.

3 Once you turn 60, the mind is the first
4 thing to go.

5 Q. Mr. Austin, do you have any relatives other
6 than your wife who are 18 years of age or
7 older who live in Macon County?

8 A. I do have multiple, multiple of relatives.
9 Yes, sir, I do.

10 Q. Who are they?

11 A. I couldn't begin to tell you. I grew up in
12 Macon County, so it would be difficult for me
13 to tell you who they are, you know, because a
14 lot of the females are married. You know, I
15 don't know where they are. A lot of them --

16 Q. Well, how many do you have in Macon County?

17 A. I don't -- I wouldn't -- I couldn't begin to
18 tell you, Counselor, how many relatives I have
19 in Macon County. There may have been some
20 born in the last two or three years. A lot of
21 my relatives we don't necessarily communicate
22 for years until a family reunion or something,
23 so ...

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1 A. C-H-A-L-K.

2 Q. Chalk?

3 A. Yes, sir.

4 Q. What was his last name?

5 A. H-A-R-R-I-S.

6 Q. When did he pass?

7 A. I don't know, sir. I was not involved in his
8 life.

9 Q. What was your mother's name?

10 A. My mother?

11 Q. Yes, sir.

12 A. Nola, N-O-L-A, Mae, M-A-E, Pearson,
13 P-E-A-R-S-O-N.

14 Q. P-E-A-R-S-O-N?

15 A. Yes, sir.

16 Q. When did she pass?

17 A. Frankly, I don't really know. She lived in
18 New Jersey. We were not that close. I would
19 guess '91. I can get you that information if
20 you would like because I do have the obituary.

21 Q. Tell me approximately when.

22 A. I'm thinking '90 or '91. That's what I would
23 think.

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<p>1 Q. Who were you raised by?</p> <p>2 A. My grandparents.</p> <p>3 Q. What were their names?</p> <p>4 A. James Austin. James A-U-S-T-I-N, and his</p> <p>5 wife, Florence, F-L-O-R-E-N-C-E, Austin.</p> <p>6 Q. What was your grandmother's maiden name?</p> <p>7 A. Robinson, R-O-B-I-N-S-O-N.</p> <p>8 Q. Your mother's last name was Pearson. Did she</p> <p>9 marry a Pearson?</p> <p>10 A. She did.</p> <p>11 Q. What was his name?</p> <p>12 A. Richard.</p> <p>13 Q. Is he still living?</p> <p>14 A. No, sir, they're both deceased. He</p> <p>15 pre-deceased her, but I don't recall the year.</p> <p>16 Q. Now, if you have any relatives in Macon</p> <p>17 County, what would be the family names other</p> <p>18 than Austin and maybe some Robinsons?</p> <p>19 A. Well, you'd have the Keys.</p> <p>20 Q. K-E-Y-S?</p> <p>21 A. Yes, sir. You would have -- and I'm going to</p> <p>22 make sure you get this name, Ruth, R-U-T-H,</p> <p>23 H-A-R-K-L-E-S-S.</p>	<p>1 you come up with another way?</p> <p>2 Q. P-U-G-H-S?</p> <p>3 A. There you go. Should have stayed in high</p> <p>4 school, shouldn't I?</p> <p>5 Those I know about. Walkers. The</p> <p>6 Lewises. Lewis. What was her daddy's --</p> <p>7 granddaddy's folks? I can't even come up with</p> <p>8 his name where she received that property.</p> <p>9 I'll have to come up with that. It will come</p> <p>10 to me now that I'm trying to think about it.</p> <p>11 Phillips. Phillips. Emmitt Phillips.</p> <p>12 Randalls, R-A-N-D-A-L-L-S. They'll kill</p> <p>13 me if I didn't mention that. That's about all</p> <p>14 I can come up with now, but there are others.</p> <p>15 Q. Are you employed anywhere at the present time,</p> <p>16 Mr. Austin?</p> <p>17 A. No, sir.</p> <p>18 Q. What's the last job that you had?</p> <p>19 A. I was at the V.A. Medical Center, and I exited</p> <p>20 that position October 3.</p> <p>21 Q. What year?</p> <p>22 A. 1993.</p> <p>23 Q. What did you do there?</p>
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<p>1 Q. H-A-R-K what?</p> <p>2 A. L-E-S-S. That was her maiden name. Lewis,</p> <p>3 L-E-W-I-S.</p> <p>4 Q. So who was Ruth Harkless Lewis?</p> <p>5 A. Ruth Harkless Lewis was my cousin and, also,</p> <p>6 she was the principal of the durable general</p> <p>7 power of attorney that is currently in the</p> <p>8 11th Circuit Court of Appeals.</p> <p>9 Did I mention the Keys?</p> <p>10 Q. Yes, sir.</p> <p>11 A. Hill, H-I-L-L. Pitts, P-I-T-T-S. Johnsons.</p> <p>12 The Floyds, F-L-O-Y-D-S. Did you put Harris</p> <p>13 down? H-A-R-R-I-S. I mentioned my so-called</p> <p>14 father's last name was Harris. I don't know</p> <p>15 if you want to still put that down.</p> <p>16 There are others I'm sure, Counselor, but</p> <p>17 I'm having a hard time recalling them.</p> <p>18 Q. Your wife's maiden name is Kindell?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Who are all of her folks?</p> <p>21 A. Well, the Kindells. Pughs. How do they spell</p> <p>22 that? It may have been P-U-E-S or it may have</p> <p>23 been spelled a different way. Counselor, can</p>	<p>1 A. I was what they called a pot sink man,</p> <p>2 P-O-T S-I-N-K.</p> <p>3 Q. What does the pot sink man do?</p> <p>4 A. Washes the pots in the sink and also delivered</p> <p>5 food up on the ward when I wasn't doing that.</p> <p>6 Q. Why did you leave that job?</p> <p>7 A. Dr. Reber retired me.</p> <p>8 Q. Dr. who?</p> <p>9 A. Reber, R-E-B-E-R.</p> <p>10 Q. What's Dr. Reber's first name?</p> <p>11 A. I can't remember that part. I can get it for</p> <p>12 you. I have that information.</p> <p>13 Q. Where did Dr. Reber practice?</p> <p>14 A. He was at the V.A. Medical Center. I don't</p> <p>15 know where else.</p> <p>16 Q. How did Dr. Reber come to retire you?</p> <p>17 A. Based on my skeleton, my condition of</p> <p>18 arthritis and spondylosis, foraminal problems</p> <p>19 and all the other things dealing with my back,</p> <p>20 lower back.</p> <p>21 Q. So you have --</p> <p>22 A. Neck, shoulder.</p> <p>23 Q. You have spondylosis, arthritis, and what?</p>

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1 A. Christ, I can't remember those long terms, but
2 I can get that information to you. It boils
3 down to skeleton problems in the disc, knees,
4 ankles, feet. It all goes with old age.

5 I'm currently being treated, as I
6 mentioned in court the other day -- I did
7 attend yesterday and I have another
8 appointment Tuesday. So if you'd like, I can
9 get you -- I can pull up that information if
10 you'd like. I'll have them pull it up, and I
11 can bring it down to you.

12 Q. Were you retired as a result of any specific
13 injury that you received on the job or at any
14 time?

15 A. It gets a little tricky. The doctor -- I
16 tried to get workmen's comp. Because I was in
17 my forties, and all my life I had been
18 physical, so I just didn't believe the
19 physician's diagnosis at the time. I didn't
20 know what arthritis really meant.

21 So once I came back and I was in consult
22 with Dr. Raj, I believe -- I believe it was
23 Dr. Raj, R-A-G, I think it was. I'm not

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1 sure. I was trying to get workmen's comp.
2 And at that time, I believe he indicated that
3 I had received an injury in jail -- in jail in
4 Macon County which was on top of my already
5 bad disc.

6 That was his -- if I'm not mistaken -- I
7 think I have that record. I believe it was
8 Dr. Raj. One of the physicians did put that
9 down in writing and, you know, so I'm stuck
10 with it.

11 Q. So were you able to get workers' compensation?

12 A. I was not because he mentioned that it was a
13 result of, he thought -- his exact words, that
14 the injury occurred in the Macon County jail
15 rather than on the job.

16 Q. When were you injured in the Macon County
17 jail?

18 A. Well, he surmised I was injured in the Macon
19 County jail on the 15th when I was arrested.

20 Q. The 15th of when?

21 A. September '93.

22 Q. What kind of injury did Dr. Raj believe that
23 you received in the Macon County jail in '93?

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1 A. Tweak in the back.

2 Q. Is that how he described it?

3 A. I don't -- I don't exactly recall how he
4 described it, but I know he just said -- it
5 was either Dr. Raj or another physician. I
6 can't be certain of the physician. And I
7 think I have that in writing. I was adamant
8 that I should receive workmen's comp because I
9 was injured on the job. Okay.

10 Q. Did you have a specific injury on the job?

11 A. He indicated that I did not.

12 Q. Well, what is your -- what was your
13 contention?

14 A. Well, I thought that maybe I did, you know. I
15 thought that maybe I tweaked my back as the
16 pot sink man. And then when I was taking the
17 garbage and the trash out, that when I went to
18 lean too far over -- but being a young man, I
19 never had that problem before -- leaned too
20 far over and the trash bag, I think, if I'm
21 recalling this correctly, was hung. We had
22 these huge trash containers and then we'd just
23 flip it, and somehow it got hung in the

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1 trash. And then I tried to just bring it back
2 normally, and after it wouldn't -- I was
3 leaning, and I just snatched it. So that
4 was -- that was my contention at the time, but
5 I think that was in '91.

6 All right. When I went back, I believe,
7 for a second time for treatment, I didn't -- I
8 didn't claim an injury at that point if I'm
9 recalling this correctly. And so I did
10 indicate to him or whoever the physician was
11 at the V.A. -- I'm sorry.

12 After I was arrested at the V.A. and I
13 went to the Macon County jail, I was on the
14 second tier bunk. They had -- It was the old
15 jail. They had metal-like troughs, like pig
16 troughs. I don't know if you're familiar with
17 them. They're made like a U, and that's where
18 we slept. And I remember I had my tennis
19 shoes underneath my head. And when they came
20 in to wake us up -- I was familiar with that
21 sound. They used to wake us up like that in
22 the Marine Corps, with the racket and noise.

23 They were smoking at the time, and I

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<p>1 don't smoke. And I also was on allergy 2 medicine. I don't want to put you to sleep. 3 And the allergy medicine tended to give me -- 4 get me a little drowsy. And it also, I think, 5 would make me a little stiffer. And I was 6 already stiff enough after being arrested for 7 being an agent -- 8 (Brief interruption.) 9 A. -- an agent to Ruth H. Lewis pursuant to her 10 durable general power of attorney, and I was 11 really distressed and angry about that. So I 12 knew I was stiff when I went into the 13 jailhouse and -- because they didn't want to 14 arrest me. They honestly didn't, but they had 15 no choice. Court order. 16 So then I went up and then when I went to 17 sleep, I didn't sleep that well because in a 18 jailhouse, you don't. So it was that morning 19 when I finally fell asleep and then they 20 woke -- I was awakened by this banging and 21 knocking and in this trough-like bed, I went 22 to -- I was asleep. I was in a daze. I 23 just -- I went to jump. I thought I was</p>	<p>1 A. From the federal system, federal employees 2 system. 3 Q. Is that because you're disabled? 4 A. Yes, sir. 5 Q. What's your source of your disability for 6 that? 7 A. When Dr. Reber retired me. 8 Q. He just said you weren't able to continue 9 working? 10 A. Yes, sir. 11 Q. And that was because of your arthritis, 12 spondylosis -- 13 A. And other ... 14 Q. -- knee problems, ankle problems, feet 15 problems, back problems? 16 A. Neck and shoulder, yes, sir. 17 Q. So you haven't worked since October of '93? 18 A. I have not. 19 Q. How much do you draw a month in disability? 20 A. As I indicated to the court, it's 275 net per 21 month. 22 Q. What's your gross per month? 23 A. I could get you -- I can get you that</p>
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<p>1 flat. And when I went to jump, I couldn't 2 make it. My legs went over first, and my 3 torso and my shoulders and stuff was still 4 inside. So I came up then and got out -- got 5 up, and then I felt, you know, the twinge of 6 it. 7 So when I went back, I think that's when 8 they decided at that point -- but I thought it 9 was relative to the injury I perhaps 10 received -- or what I contended to be an 11 injury some, what was it, two years prior. 12 That was my position, but the physician's 13 position was different. 14 Q. Did you file a claim for workers' 15 compensation? 16 A. Not that time, no, sir. I filed a claim -- 17 Wait a minute. Hold on. I may have filed a 18 second claim. I'm not sure. 19 Q. Have you ever drawn workers' compensation 20 disability payments? 21 A. I draw disability payments now, but not from 22 workmen's comp. 23 Q. Who do you get paid from now for disability?</p>	<p>1 information. 2 Q. Do you have any other source of income? 3 A. I personally -- not currently, no. 4 Q. Have you in the last five or ten years had any 5 other source of income? 6 A. Absolutely. Rental and farm. 7 Q. Talking about the rental property in 8 Cleveland? 9 A. Yes, sir. 10 Q. Who owns that property? 11 A. We do. My wife, my family, my mother-in-law, 12 my deceased father-in-law. 13 Q. Is that through your wife that you got that? 14 A. I would like to think so -- it's on my 15 wife's -- it's on my wife's side. It's my 16 wife's great aunt and my mother-in-law's 17 auntie, so biologically it's on my wife's side 18 of the family. 19 Q. What rental property is that in Cleveland? Is 20 that a house? 21 A. Yes, sir. 22 Q. A single house? 23 A. Two family dwellings.</p>

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1 Q. You said some income from the farm?
2 A. Yes, sir.
3 Q. Is that the approximately 70 acres you
4 mentioned earlier?
5 A. Exactly.
6 Q. What kind of income do you get from the farm?
7 A. Currently, I'm not getting any. I think I
8 told you initially, if I'm not mistaken.
9 Currently I don't have any income that I know,
10 but this was up until a couple of years ago.
11 Q. What kind of income were you getting from the
12 farm up until a couple of years ago?
13 A. Cattle.
14 Q. Whose cattle were they?
15 A. Ours. Family -- family farm.
16 Q. For the last couple of years, you have not had
17 any income other than your disability
18 payments?
19 A. I don't -- I don't believe I have. You know,
20 I would have to -- I don't think I've had any
21 other income, not personally. I don't believe
22 I have. I'm trying to think. If I come up
23 with something, I can let you know. It's

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1 certainly nothing that I would be ashamed of.
2 I would love to have had some more income.
3 Well, let me put it like this. I can go
4 back because -- I wasn't thinking. IRA's. I
5 have some IRA's if that's ...
6 Q. Are you cashing those in to get money out of
7 them?
8 A. I've not cashed any in, but, you know, they do
9 draw income, but I've not cashed any in, no.
10 And let me mention this for the record.
11 My cousin, Ruth H. Lewis, did leave some
12 money, but it's in the hands of the state. So
13 I have not received any income there. It's
14 part of the lawsuit, so ...
15 Trying to see if someone else has been
16 nice to me.
17 MR. DUKES: We've been going about
18 an hour, a little over. Let's
19 take a five-minute break here.
20 THE WITNESS: I'm fine, sir, if you
21 want to ...
22 MR. DUKES: No, I need to take a
23 break here.

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1 THE WITNESS: Okay.
2 (Brief recess was taken.)
3 A. I did think of one other ticket, Counselor.
4 Q. You said you'd remembered another ticket?
5 A. Yes, sir.
6 Q. When was that?
7 A. I don't know which year. It had to be in the
8 eighties. Did you say within the last five
9 years?
10 Q. Yes, sir.
11 A. Oh, okay. I'm trying to think. I'll let you
12 know if I come up with one in the last five
13 years.
14 Q. Mr. Austin, as I understand it, your current
15 lawsuit against the City of Tuskegee, Mayor
16 Ford, Judge Bulls, Chief Patrick, Mr. Thomas,
17 and Officer Dawson arises from a traffic stop;
18 is that correct?
19 A. An unlawful traffic stop.
20 Q. When did this traffic stop occur, Mr. Dawson?
21 A. Austin.
22 Q. Austin. Excuse me.
23 A. No problem. This was -- Make sure. July the

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1 5th, 2007.
2 Q. What time of day did this occur?
3 A. 8:40 a.m.
4 Q. Where did this occur?
5 A. In the county of Macon, outside of the
6 municipal corporate city limits of Tuskegee.
7 Q. I understand that's your contention. Where,
8 exactly, did it take place with regard to any
9 highways, landmarks, anything like that?
10 A. Oh, okay. Yes, sir. It was specifically
11 approximately a quarter of a mile north of the
12 Tuskegee city limits on State Highway 81
13 near -- it was right off -- there's a state --
14 there's a state power line, I believe, power
15 line which would be the northern corner of the
16 Moton Field fence, right at that area.
17 I was about in that vicinity when the
18 blue light flickered, and Officer Dawson was
19 in the northern-most parking lot of the old
20 Tuskegee Western Inn, just on the shoulder
21 there in the morningtime. And as I came
22 around the bend, she flicked her blue lights.
23 In terms of where I was in proximity to

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1 the city limit sign, maybe a third to a fourth
2 of a mile.
3 Q. Well, let me put it this way. Were you south
4 of I-85 on Alabama Highway 81 when this
5 occurred?
6 A. I was south of 85 on Alabama Highway 81.
7 Q. Was Officer Dawson south of I-85 on Alabama
8 Highway 81 when this occurred?
9 A. That's correct.
10 Q. And all the events involving you and Officer
11 Dawson occurred along Alabama Highway 81; is
12 that correct?
13 A. State Highway 81, yes, sir.
14 Q. And that was all south of I-85; is that
15 correct?
16 A. That's correct.
17 Q. And you were driving northbound?
18 A. I was.
19 Q. And Officer Dawson was looking southbound?
20 A. Yes, sir.
21 Q. And as you were proceeding northbound, you saw
22 the blue lights on her police car come on?
23 A. As I proceeded northbound at -- I was at the

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1 north-most corner of Moton Field. There's a
2 fence, and then there's a power -- I guess
3 it's Alabama Power line. Of course, there are
4 hedges. There are trees. So the road curves
5 around.
6 Like I said, she was in the northern
7 parking lot, just easing along the shoulder.
8 All right. And as I come around the curve,
9 when she saw the front of my vehicle, the
10 light came on. Once that happened, as I
11 approached her, I hit my signal, left signal,
12 turn signal, and that was to go into the
13 south-most parking lot of the facility.
14 That's why she ticketed me.
15 Q. We're talking about what years ago used to be
16 a Holiday Inn and it's been several other
17 things since then?
18 A. Western Inn. Tuskegee Inn. Yes, sir.
19 Q. That's right off of the exit of I-85 there on
20 Alabama Highway 81?
21 A. Well, it's south of the exit but, you know,
22 you're approaching the exit.
23 Q. It's south of I-85?

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1 A. Yes, sir. I was headed to Auburn, so it was
2 south.
3 Q. How fast were you traveling when you saw
4 Officer Dawson turn on her emergency lights?
5 A. Actually, I never looked down at my
6 speedometer at that time. I can't say how
7 fast I was driving. My mind was -- I was just
8 driving. I wasn't checking the speed at that
9 time.
10 Q. If Officer Dawson testified that you were
11 driving 60 miles per hour, would you have any
12 basis to dispute that?
13 A. As I think about it, I would dispute that to
14 the extent, as I've indicated earlier, I
15 wasn't aware of how fast I was driving, so it
16 comes in two parts.
17 Officer Dawson then stated to me after
18 she pulled me over that that was a 45
19 mile-an-hour zone. I've always known that to
20 be a 55 mile-an-hour zone. So that's where
21 the dispute would come in at as to the maximum
22 speed limit in that area.
23 But, now, as far as how fast I was

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1 driving, honestly, I didn't -- I wasn't paying
2 attention to the speed.
3 Q. So you don't know how fast you were driving at
4 the time; is that correct?
5 A. At the time, I did not. No, sir, I don't
6 know. But I can say this for the record, that
7 I was convicted by Judge Bulls, and he
8 believed that I was driving 55. That's the
9 conviction.
10 So I stated in the court at that time
11 before him I didn't know how fast I was
12 driving. All right. Officer Dawson testified
13 it was 60 miles an hour according to her radar
14 as she shot back into the city. Judge Bulls
15 determined my speed to be 55. That's of
16 record.
17 Q. What is your basis for saying that the area
18 where all this occurred is outside the
19 municipal limits of the city of Tuskegee?
20 A. The sign that says city of Tuskegee. And in
21 Alabama, according to what little I know, you
22 use those signs. Those signs speak. And
23 absent of that sign, the law is silent.

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1 So that's what I -- I've always used that
2 city limit sign, and I have traveled
3 extensively across this country. If I see a
4 sign that says police jurisdiction, bam,
5 that's where it's at. If I see a sign that
6 says city of Gainesville, Florida, that's
7 where it's at, because I trust our authorities
8 and I trust the state because they work
9 together to make sure that they place those
10 signs there accordingly.

11 Also, if a sign says a certain thing and
12 it doesn't mean that and we as citizens rely
13 on that, Counselor, then that's to the
14 detriment, so detrimental reliance would
15 certainly be at issue here. If, in fact,
16 that's not the case, as the city of Tuskegee
17 as well as the state owes us citizens a duty
18 to make sure that when the sign says city
19 limits, that's exactly what it means. And if,
20 in fact, it's not the city limits, then they
21 best put it there.

22 Q. Well, let me ask you this, Mr. Austin, since
23 you're talking about detrimental reliance.

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1 How did you rely on that sign to your
2 detriment?

3 A. Here I am now for an example. This is one --
4 See, if the sign had have been -- had not have
5 been there and it had have been someplace
6 else, then I wouldn't be here if it was -- for
7 an example, if they placed the sign two miles
8 up on the other side of the interstate, all
9 right, then I wouldn't -- I would have paid
10 the ticket and went to sleep.

11 Q. Well, but your -- the detrimental reliance as
12 a legal concept is you're relying on that fact
13 as you perceived it at the time.

14 A. Yes, sir, at the time. Exactly.

15 Q. On the 5th of July of 2007, how would your
16 conduct have been any different if that city
17 limit sign had not been there?

18 A. Well, specifically for me, it depends upon
19 where the city limit sign was. Where would it
20 have been in your scenario?

21 Q. My question to you, Mr. Austin, is on the 5th
22 of July 2007 --

23 A. Yes, sir.

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1 Q. -- what would have been different about your
2 conduct at approximately 8:40 a.m. if that
3 city limit sign you're referring to had been
4 in a different location?

5 A. Well, for an example, if it had been up to the
6 interstate, then it would have been 45 miles
7 an hour, and I would have been driving 45.
8 That would have been the first thing.

9 Q. Well, hold on. Hold on. You're saying --
10 putting another change in there, 45 miles an
11 hour. Whether the speed -- that city limit
12 sign is there or not, I'm asking you what --
13 just the fact of having that city limit sign
14 there, if it had been somewhere else, how that
15 would have affected your conduct at 8:40 a.m.
16 on July 5th of 2007.

17 A. I'm saying if it had been placed -- if that
18 city limit sign had been placed up at the
19 Tuskegee -- at the Tuskegee Inn for an example
20 or if it was moved up to the interstate, then
21 the maximum speed limit inside of all cities
22 in the state of Alabama unless I'm wrong is
23 45, and then I would have been driving 45.

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1 But because the speed limit sign -- city
2 limit sign was where it was situated, once I
3 made a left turn, it didn't take me long to be
4 out of the city limits. I've lived there 30
5 something years and I know that in the state
6 of Alabama, the speed limit, maximum, 55
7 except for four-lane roads which can be up to
8 65 except for other conditions.

9 See, so I've always driven 55 outside of
10 the city speed limit -- outside the municipal
11 speed -- city sign. And that's why I knew I
12 was driving more than 45. In my mind, I had
13 to be driving more than 45, but I also knew
14 that inside the city limits, inside the city
15 limits, it's ten miles slower. I drive it all
16 the time. When I came here, I drove it. See,
17 that would have been the major difference.

18 And the other thing would have been, I
19 wouldn't have been stopped by Officer Dawson
20 because I wouldn't have been driving 55. I
21 was driving 55 according to -- according to
22 the judge, now, according to the judge. I
23 would not have been driving 45, because that's

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<p>1 what I was convicted of, in a 45 mile-an-hour 2 zone if the city limit sign had have been up 3 where the defendants are claiming that it 4 existed after 2000 -- prior to 2005 or 5 something, whatever their position is. 6 So I relied on the city limit sign where 7 it was and is. 8 Q. So you're saying that you relied on the 9 location of that city limit sign -- 10 A. To determine the speed. 11 Q. -- based on your knowledge of the law to drive 12 at 55 miles an hour? 13 A. No, not exactly the way you're stating it. 14 I'm saying that I relied on the city limit 15 sign to determine the speed limit, which is 45 16 miles an hour. 17 Now, Counselor, I could be wrong. I 18 mean, I may have misread it. I'll be willing 19 to go back and look at it. I'm not a lawyer. 20 But, now, from all I've been able to read, 21 city limits for the most part in the state of 22 Alabama are now pretty level at 45. 23 You know, up -- when you make a left turn</p>	<p>1 wish I had peanuts for the time I've traveled 2 that road. It's never been an issue. That 3 has never been an issue. It's always been 4 55. And you go on into Notasulga until you 5 reach a certain place -- you have schools 6 there. The speed limit gradually comes down 7 based on the neighborhood and et cetera, et 8 cetera, the closer houses, et cetera. On 199, 9 the speed limit is 55 as soon as I get outside 10 the city limits. State Highway 199 -- never 11 been an issue. That has never been an issue. 12 Q. At the time of this incident on July 5, 2007, 13 what was the posted speed limit to the best of 14 your recollection between Moton Field and I-85 15 on Alabama Highway 81 there? 16 A. The posted speed limit was always 55. Was 17 always 55. There was never an issue about 18 that. The posted speed limit today -- 19 Q. I'm not asking the posted speed limit today. 20 A. I'm saying it's still the same. It's still 21 the same. And Officer Dawson acknowledges 22 that. 23 Q. Are you saying that Officer Dawson in her</p>
Page 62	Page 64
<p>1 there, you have to drive 45 for a distance. 2 Then once you pass the city limit sign, it 3 goes to 55 there, just specifically there. 4 All right. If you're going down 29 and 80 5 headed north, the same scenario applies. But 6 if you're going 80 west, at some point those 7 four lanes come into play. And once they come 8 into play, it goes from 45 into 55, I guess, 9 and then to 65, because it's posted. 10 That's my home. I've always lived 11 there. By the way, I love Tuskegee. This is 12 not about Tuskegee. It's about the law. And 13 I just relied on the sign. If the sign wasn't 14 where it was, I wouldn't have been driving 55. 15 Q. So you relied on that sign to drive at above 16 the posted speed limit? 17 A. Absolutely not. I relied on that sign until I 18 drove through that sign, which was 45 miles an 19 hour. After I pass the sign outside of the 20 city limits, it's 55 as noted by Officer 21 Dawson in her affidavit. It's 55 miles an 22 hour. It's always been 55. 23 Man, I travel that road -- oh, God, I</p>	<p>1 sworn affidavit that the speed limit was 45 2 miles an hour there was mistaken? 3 A. In her sworn affidavit it was mistaken? On 4 July the 5th? I'm not saying Officer Dawson 5 was mistaken on July the 5th with respect to 6 her sworn statement with regard to the 7 ticket. I'm stating that Officer Dawson knew 8 based on her 20 years that that speed limit 9 was 55, and she deliberately placed it at 45 10 pursuant to the police department. 11 Officer Dawson is just a peon. I know 12 how this stuff flows down the hill. So she 13 wouldn't have been doing nothing that she 14 wasn't told to do. 15 Q. Is it your contention that on July the 5th of 16 2007 on Alabama Highway 81 between Moton Field 17 and I-85 where you were stopped that the 18 posted speed limit was 55 miles per hour? 19 A. I'm saying emphatically that the speed limit 20 in that area has always been -- it was that 21 day, and it is now -- 55 miles an hour outside 22 of the municipal corporate city limits, 23 anywhere outside of that city sign. So</p>

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1 clearly where you're placing me and where she
2 stopped me, yes, sir, it's 55.

3 Q. Let me ask you this again, and please answer
4 yes or no. Irregardless of where you contend
5 the city limit sign is or was, on July the 5th
6 of 2007 at 8:40 a.m., is it your contention
7 that the speed limit that was posted on
8 Alabama Highway 81 between Moton Field and
9 I-85 was 55 miles per hour?

10 A. Yes, sir.

11 Q. Do you have any photographs or other evidence
12 of that?

13 A. No, I sure don't. I indicated that in my
14 response to you. I don't have any
15 photographs. I just know my experience. I've
16 lived there 30-plus years.

17 Q. Well, based on your experience of living there
18 30 some-odd years, where is it your contention
19 that the northern city limits of the city of
20 Tuskegee were on July 5 of 2007?

21 A. On July 5, 2007, the point that I'm concerned
22 with, the border that crossed State Highway 81
23 where the city limit sign was placed.

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1 Q. And that's near the end of Moton Field?

2 A. Well, yes, sir. It's right where the city
3 limit sign was placed on that day.

4 Q. Are you aware that the city limits of the city
5 of Tuskegee were extended by the act of the
6 Alabama legislature in 2004 to a point north
7 of I-85 on Alabama Highway 81?

8 A. I would dispute that that has happened because
9 had it happened, the city -- we're getting
10 right back to my point earlier -- should have
11 moved the sign to accommodate the boundaries
12 with the blessing of the state and the state
13 director and the engineers. They all get
14 together on that.

15 Now, from what I've been able to read
16 based on what the defendants have provided to
17 me as a defense, it appears to me that parcels
18 of land -- now, I've heard -- you know, I
19 don't know Tuskegee's business. I live on the
20 outside. But based on what I see, I see
21 parcels of land that has been incorporated. I
22 know that they're looking at the black
23 airmen's museum for an example.

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1 (Brief interruption.)

2 A. The Tuskegee black airmen's museum, I know
3 they're looking at that. They're looking at
4 the possibility of bringing in businesses.
5 All right. So a lot of -- couple of old
6 service stations that were there -- one area
7 has been cleaned off considerably, and I was
8 told that they were going to eventually put a
9 Waffle House or something there. So I'm
10 assuming for tax purposes it may have been
11 extended.

12 But my concern is not about the city and
13 its ability to bring in tax revenue from
14 buildings and extending land and that sort of
15 stuff. I'm not concerned with their
16 jurisdiction. I'm concerned with the city's
17 municipal line that crosses the state of
18 Alabama Highway 81. That's where I was
19 driving. Counselor, there are specific laws
20 that relate to the state highway and the
21 corporate city limits.

22 Now, if, in fact, they decide to purchase
23 property north of that particular border that

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1 crosses, that's fine. But I'm interested in
2 right where that line crosses the state
3 because that's the only -- that's the only
4 thing that concerned us. That's where the
5 stop -- that's why I'm in court, because the
6 municipal city limits said for tax -- for
7 ticket purposes relative to 38 -- I'm sorry,
8 32-A -- whatever it is, 5A-171, subparagraph 9
9 or thereabouts.

10 The municipal city limits for the purpose
11 of issuing tickets, that's the only thing I'm
12 concerned with, not the addition of parcels of
13 land. I'm proud of Tuskegee for doing that.
14 But the city limit sign represents where the
15 city limit sign supposed to be hopefully, and
16 that represents the border crossing the state
17 highway.

18 Now, whether they extended parcels of
19 land all the way to New York, that's fine.
20 But as you know, boundaries don't -- they're
21 not just straight. They zigzag all kinds of
22 ways. But my concern is between the ditches
23 on State Highway 81, where does the municipal

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1 city line cross?

2 And if that particular sign was not where

3 it's supposed to have been, then I can

4 guarantee speed traps. I'll steam if that

5 sign is not where it's supposed to be this

6 morning, sir, because Montgomery would not

7 tolerate that.

8 Q. So you're saying between the ditches, in other

9 words, the highway right-of-way --

10 A. No, sir.

11 Q. -- you're concerned with where that is with

12 regard to the city limits?

13 A. No, sir. I'm not concerned with the highway

14 right-of-way because based on what little

15 limited knowledge I have -- correct me if I'm

16 wrong -- police jurisdiction can extend -- it

17 goes outside of the city limits. They can go

18 out there for the purpose of constituting

19 arrests for felons and that sort of stuff.

20 But for ticket purposes -- we're not

21 talking about arrest warrants. Arrest

22 warrants, they can go out there. As long as

23 they -- They can go out past the corporate

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1 limits and do that. The law specifically says

2 that they can't go outside of their municipal

3 corporate city limits to issue tickets, and

4 specifically the reason for that is you have

5 the sheriff's department. You have the state

6 department. The city has enough duties.

7 They're not even performing well inside the

8 city limits. Ask President George Bush when

9 he came down and talked about the potholes.

10 See, this is not about me not loving

11 Tuskegee. I love Tuskegee. This is about us

12 being honest with citizens. There are a lot

13 of citizens, sir, that comes from Montgomery

14 that work there because you've got dual V.A.

15 campuses now. So as a veteran and just as a

16 human being, I'm just concerned with people

17 who comes in and then police officers stop and

18 tell them that the city limits -- they don't

19 bother with the city limits.

20 They tell them it's 45 miles an hour out

21 there when they know dog-gone well the city

22 limits is way ahead of them. It's got no

23 basis. There's no support for that, sir. 45

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1 miles an hour ends at the corporate city limit

2 border, wherever that is. This is the only

3 position I have. I love Tuskegee. I would

4 have paid that ticket in a heartbeat if that

5 had been the case.

6 There have been other rumors -- people

7 talk about how the sheriff's department and

8 the police department are always in it because

9 they're overextending their jurisdiction. I

10 said, well, hey, maybe so, but you're not

11 talking -- jurisdiction and corporate city

12 limits are two different things. Don't

13 confuse them.

14 I'm only concerned with where that line

15 crosses State Highway 81 because once it does,

16 55 mile-an-hour sign pops. If that's not the

17 case, if that weren't the case, then Tuskegee

18 has got an awful lot of explaining. And I

19 would think the state of Alabama would be

20 interested perhaps in joining this suit.

21 It's just not fair. It's not fair to

22 people who come from out to come in. God

23 knows how many tickets Ms. Dawson and Tuskegee

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1 probably process illegally on people who were

2 minding -- who are minding the speed limit,

3 driving the speed limit. And in my case, I'm

4 driving the speed limit according to the judge

5 and he fines me. That's a bitter pill to

6 swallow, Counselor. That's a bitter pill.

7 I'm sorry, sir.

8 MR. DUKES: Would you like to take a

9 break for a moment, Mr. Austin?

10 THE WITNESS: I can go on.

11 Q. Mr. Austin, are you aware of Act Number

12 2004-248 of the Alabama legislature?

13 A. I'm not, sir. You guys provided me some

14 information, but I was never aware of an act

15 that extended the city limits from where the

16 sign was placed. I should have been made

17 aware of that and everybody else should have

18 been made aware of that simply by moving the

19 sign. That's my position. I don't need to be

20 aware of it. If the city limits is out

21 there -- If Tuskegee city limits is out here,

22 the sign should represent that. Absent of

23 that sign, the law is silent.

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1 Q. Are you aware now that act 2004-248 of the
2 Alabama legislature went into effect in July
3 of 2004?

4 A. Based on the documents that you provided me,
5 sir, but I couldn't -- I couldn't swear on it
6 because I don't know anything about it. But
7 based on the documents that you provided me,
8 you've indicated that parcels of land and
9 stuff happened, but that is not my concern.
10 Those issues are side issues. The only issue
11 I'm concerned with -- that's an irrelevant
12 issue.

13 The only issue I'm concerned with is
14 where -- today, where is the city limit sign
15 honestly placed, legally? And I do know this,
16 that the state of Alabama, the state director
17 for public safety and then the engineers for
18 the city and county and then the state
19 engineers get together on tweaking those
20 lines, and I have not seen anything that would
21 indicate that the city corporate limit sign
22 were -- I'm sorry, should be moved to
23 accommodate the line if, in fact, it has been

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1 moved.

2 So the sign tells me that the line has
3 not been moved across -- that crosses the
4 state highway. I'm not arguing with you, and
5 I make this clear, about other parcels of
6 land, other right-of-ways that have been
7 extended to Tuskegee. My Lord, I hope that
8 they have got that, sir. We need it, and we
9 deserve it.

10 Again, I'm only -- Remember, there's one
11 traffic stop here, and it's about where the
12 city limit sign was and where it was, not
13 where it is now.

14 Q. Mr. Austin, are you aware that the municipal
15 limits of the city of Tuskegee were extended
16 to include the right-of-way of State Highway
17 81 from the old Tuskegee city limits to a
18 point north of I-85 in July of 2004?

19 A. Based on what you guys are saying, that's your
20 contention. You know, you're the defendants
21 in this case, so it's your contention. But
22 honestly, I have not been provided with any
23 concrete evidence that that's the case, but

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1 I'm aware that that is the defendants'
2 contention.

3 Q. Well, have you had the opportunity to review
4 Act 2004-248 of the Alabama legislature signed
5 into law by the governor of the state of
6 Alabama in 2004?

7 A. I am not aware of that act to a major degree.
8 I'm aware of some of the documents you guys
9 provided to me as defendants in this case, but
10 I have not looked at the act itself. And,
11 frankly, I don't know if I could even
12 interpret that act.

13 But what I have seen, Counselor, is the
14 city limit sign. That's all I'm interested
15 in. Where is the city limit sign? Where
16 should the city limit sign be if it's not
17 there? I can only go by where the city limit
18 sign is.

19 Q. Mr. Austin, do you dispute that Act 2004-248
20 of the Alabama legislature extended the city
21 limits to include the right-of-way of Alabama
22 Highway 81 to a point north of I-85?

23 A. Currently, my position is I'm in need of more

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1 factual development. It's wait and see --

2 Q. Well, what --

3 A. -- for me -- Go ahead. Excuse me.

4 Q. I'm sorry. Go ahead. Finish your response.

5 A. It's a wait and see, and there has to be more
6 factual development, okay, within this issue.
7 So as far as I'm concerned, that information
8 is out there and it's still pending, all
9 right, so it's blowing in the wind. But I'm
10 aware of the fact that Tuskegee -- it is
11 Tuskegee's contention that that is the case.

12 Q. Well, what factual development do you need to
13 be able to say whether or not the Alabama
14 legislature extended the city limits of
15 Tuskegee back in 2004?

16 A. The municipal -- The Tuskegee city limit sign
17 has to be moved to accommodate that.

18 Q. What law says that the city limit sign has to
19 be moved?

20 A. I'm not referring to the law other than --
21 frankly, I don't have it here, but it does
22 state this. Absent of a sign, the law is
23 silent. So therefore, once the Tuskegee city

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1 limit sign -- and I can pull it up and bring
2 it. I don't have it here. Once that city
3 limit sign moves, I have to follow that city
4 limit sign. Absent that city limit sign
5 moving, then I'm going to stick with the city
6 limit sign.

7 And if a police officer stops me and says
8 to me the speed limit out here used to be 55
9 when you first moved, we've extended that, but
10 the -- the city limit sign is still in the
11 same place, we just decided to leave it there
12 so we can entrap people when they come in here
13 because most law-abiding citizens would slow
14 down if they saw that Tuskegee city limit sign
15 up there because most of us read and we are
16 aware that the city limit -- within any city
17 limits is 45 miles an hour. Most of those
18 people would not have been driving 55 where
19 she can claim that they were driving 55 in a
20 45 mile-an-hour zone, and that constitutes,
21 sir, a major speed trap.

22 And, again, this can be resolved simply
23 by dealing with the state and the city's

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1 engineer. But, now, I can't rely just on the
2 defendants' position and say that's, in fact,
3 law. There has to be more factual
4 development. And that factual development
5 will come once the state is involved, and then
6 they can provide both of us with exactly where
7 that line is supposed to be.

8 And if the City of Tuskegee has been
9 derelict in their duty in moving that
10 particular city limit sign to accommodate the
11 truth rather than leaving it where it is so
12 they can make profit from it, then Tuskegee is
13 in a world of hurt. They're in a world of
14 hurt.

15 So I hope that's not their defense. I
16 truly hope that's not their defense. With all
17 due respect, Counselor, Tuskegee is in
18 Alabama. All of us suffer if you have a city
19 that's violating the state laws. All of us
20 suffer.

21 Q. What state law are you contending that the
22 City of Tuskegee has violated in this
23 instance?

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1 A. I already cited it. I'm going to specifically
2 go back to it. It's going to take me a while
3 because I forget the -- oh, where is it?
4 Where did Ms. Dawson put that at? 32-5A-171,
5 subparagraph 9, state of Alabama.

6 Q. How did the City of Tuskegee violate that
7 provision of the Alabama Code?

8 A. By stopping the plaintiff outside of their
9 municipal city limits and issuing an unlawful
10 ticket.

11 Q. It's your contention that where that stop
12 occurred on Alabama Highway 81 south of I-85
13 was outside the Tuskegee municipal limits on
14 July 5 of 2007?

15 A. Municipal city corporate limits. City limits,
16 yes, sir, in relationship to 81 and for
17 ticket-writing purposes, specifically for
18 traffic ticket-writing purposes.

19 Q. Do you dispute that Act 2004-248 of the
20 Alabama legislature is the law of the state of
21 Alabama?

22 A. Again, more factual development, because I
23 don't -- I don't have -- I don't have all of

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1 the information. The information I received,
2 with all due respect, Counselor, came from the
3 opponent in this case, which is the
4 defendants. But I did receive some
5 information, but I'm virtually sure that's not
6 all the information in the act.

7 Q. Well, have you taken the opportunity to go
8 review for yourself Act 2004-248 --

9 A. I have not. I've been very busy trying to
10 promulgate my case. That will be for a jury
11 to decide.

12 Q. Well, Mr. Austin, your whole case rests on
13 where the city limits existed of the city of
14 Tuskegee, and Act 2004-248 extended the city
15 limits to a point north of where you were
16 stopped and it was prior to the date that you
17 were stopped, but you have not gone to
18 determine anything about that act?

19 A. I wasn't aware that that act did that until
20 the defendants placed that in their motion for
21 summary judgment. However, I am very aware
22 the 30 years I've lived there -- and I'm
23 only -- again, I'm right back to the only

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1 thing that tells me anything about the city
2 limits, and that's that city limit sign.

3 I'm very focused on that city limit sign
4 that crosses -- the border that crosses the
5 State Highway 81. That's the only focus right
6 now of my case. It has nothing to do with
7 additional parcels of land and right-of-ways
8 extended beyond that point.

9 And my position is now, again, if the
10 city has extended that corporate line and the
11 city limit sign is now false and
12 misrepresentative of the city limits, that's
13 another suit, sir.

14 Q. Is your whole suit, then, based on the fact
15 that you contend that that city limit sign is
16 in the wrong location?

17 A. No, sir. I never said the city limit sign is
18 in the wrong location. It's been my position
19 that the city limit sign is in the right
20 location because it's been there for 30-plus
21 years, and we've always relied on the city
22 limit sign.

23 It would be to my detriment now if, in

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1 fact, the city limit sign is supposed to have
2 been moved and has not been moved which leads
3 to Officer Dawson saying perhaps -- based on
4 what you're saying and the city's contention,
5 the defendants' contention, that perhaps leads
6 to Officer Dawson out there at the end saying
7 that the speed limit is 45 miles an hour,
8 which also is the reason why I wound up paying
9 \$120, being fined, and then having points
10 against me for, first of all, not speeding
11 because my contention -- it always has been
12 and it always will be -- is the speed limit is
13 55 there.

14 All right. The city says it's 45. And
15 based on what you're suggesting, they're
16 claiming that the sign where it is now really
17 doesn't exist. And there is no other city
18 limit sign up there anyplace else. So then we
19 citizens of the United States, no matter where
20 we come from, we'll just have to figure that
21 out.

22 And if we're driving there -- you've been
23 there 30 years and you've been driving that

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1 same 55 miles an hour after you get outside
2 the 45 mile-an-hour zone ... got you. Guess
3 what? This act, it was extended. I'm
4 interested in knowing how many other people
5 have been duped and how many people's property
6 have been taken as a result. That brings in
7 14th Amendment rights, sir.

8 That's my position. The city -- All the
9 city has to do is prove that by moving the
10 city limit sign up there by the interstate,
11 but it won't help them now because the 11th
12 Circuit Court of Appeals is only interested in
13 where was the sign then.

14 Q. Is it your contention that where the sign is
15 determines where the city limits is?

16 A. My contention is that where the sign is, it
17 should determine the city limits. And if it
18 doesn't determine where the city limits really
19 are as far as crossing that state highway,
20 again, Tuskegee is in -- they're in a heap of
21 big trouble because that sign should determine
22 that. It should determine that. We as
23 citizens should know that that sign is placed

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1 there honestly, truthfully, and it's not there
2 for some kind of hoax.

3 Q. What kind of hoax are you alleging that the
4 City of Tuskegee was carrying out by not
5 moving that sign to reflect the change of the
6 city limits?

7 A. Well, they have a duty if, in fact, that's the
8 case. I'm not saying that that is the case.
9 My position is this. That's Tuskegee's case.
10 That's their argument. But my position is
11 this. I'm going to rely on the sign wherever
12 it is. I'm not going to argue with the sign.
13 The sign is not argumentative here. Tuskegee
14 is arguing with its own sign. That's a
15 conflict of interest there, sir, among other
16 things. They're arguing with the placement of
17 that sign.

18 For God's sake, if they don't know where
19 the sign belong, if they don't know, who
20 does? If they know where the sign belong,
21 they should have put it there. They should
22 have put it there. It was never an issue that
23 that sign was incorrectly placed. I took that

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1 sign to mean it to be truthful. And if
2 Tuskegee is saying that that's not honest and
3 that where that sign is, it's there for
4 ulterior purposes --

5 (Brief interruption.)

6 A. If that sign is there for ulterior purposes
7 other than what it's designed to be there for,
8 then we as citizens, not just Tuskegee, the
9 state of Alabama is derelict, because we need
10 to straighten that out, sir. You may not
11 drive into Tuskegee, but other people do.
12 That's not fair to them.

13 We want -- we need -- We need people to
14 come to our city. We sure don't need the
15 police department out there doing stuff that's
16 going to deter this. That just makes no sense
17 to me. This is a classic illustration as far
18 as I'm concerned of the tail wagging the dog.

19 But I'm not so sure if the state of
20 Alabama is aware of Tuskegee's position. My
21 only concern has to do with where that line
22 crosses State Highway 81. And when the state
23 director and the state engineer placed that 55

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1 were north of I-85, then you were within the
2 Tuskegee municipal corporate limits when you
3 were stopped by Officer Dawson, weren't you?

4 A. You said if. You said if, Counselor. We're
5 only interested in the facts here. If it's
6 proven at that time that the municipal
7 corporate city limits was north of 85 crossing
8 81 north, then Tuskegee is in a heap big
9 trouble because the only thing that we can
10 rely on is where the sign was placed at the
11 time.

12 MR. DUKES: Let's take a break for
13 five minutes.

14 (Brief recess was taken.)

15 MR. DUKES: Back on the record.

16 (Defendant's Exhibit 1 was marked for
17 identification.)

18 Q. Mr. Austin, I want to show you what is marked
19 Defendant's Exhibit 1 for purposes of this
20 deposition and was previously marked as
21 Exhibit 4 to the defendant's motion for
22 summary judgment. Have you seen that document
23 before?

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1 mile-an-hour sign up, they have the power to
2 do that. And I don't think they're going to
3 place it anywhere where it doesn't belong.

4 And there's very little the city can do
5 because they all coalesce. They have an
6 agreement. They have an understanding, and
7 the state rules. This is Alabama. Man,
8 Tuskegee is just a small municipality in the
9 scheme of things. They're just a small
10 municipality in the county of Macon.

11 This is a simple, simple case, and it
12 involves a stop outside of a sign. And jurors
13 can be brought there to visualize. I don't
14 need to take any pictures. Why spend money
15 like that for? They can see it for
16 themselves.

17 Q. Mr. Austin, what is your -- where do you claim
18 the Tuskegee municipal corporate limits were
19 on Alabama Highway 81 on July 5, 2007, at
20 8:40 a.m.?

21 A. Right where the sign was.

22 Q. Okay. If the Tuskegee corporate municipal
23 limits were north on Alabama Highway 81 --

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1 A. I believe this is the copy that I received.

2 It appears to be the copy I received. I don't
3 have my motion before me. I know I've seen
4 some of it, not all of it.

5 Q. On the front of that, it's labeled Act
6 2004-248; is that correct?

7 A. Yes, sir.

8 Q. If you flip over to page four, it's signed by
9 the Speaker of the House of Representatives;
10 is that correct?

11 A. Page four? It's upside down. I can't figure
12 this one out. Okay. Speaker of the House.
13 Okay. I see Lucy Baxley.

14 Q. Looking above that is the Speaker of the
15 House. The President and the Presiding
16 Officer of the Senate signed it as well, Lucy
17 Baxley; is that correct?

18 A. I see Lucy Baxley's signature.

19 Q. At the bottom, there's a little block that
20 says approved 4-19-04, and it's signed by
21 Governor Bob Riley.

22 A. I see that, yes, sir. I think this is the one
23 that was submitted to me.

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1 Q. And if you look at the bottom of page three
2 where it says Section 3: This act shall
3 become effective on the first day of the third
4 month following its passage and approval by
5 the governor, or its otherwise becoming law.
6 Is that correct?

7 A. Section 3: This act shall become effective on
8 the first day of the third month following its
9 passage and approval by the governor, or its
10 otherwise becoming law. Okay.

11 Q. So the first day of the third month -- and it
12 was signed by the governor in April. The
13 first month then would be May, the second
14 month would be June, and the first day of the
15 third month should be July 1st of 2004,
16 correct?

17 A. If I follow you, that sounds correct.

18 Q. Based on its face, Act 2004-248 became
19 effective on July 1st of 2004, correct?

20 A. Based on its face. Received April 14, 2004,
21 governor's office. Hard for me to understand
22 this to be honest about it, Counselor. I
23 can't make heads or tails out of this.

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1 But I can say this. I don't -- The
2 acquisition of land, as I've indicated, in
3 this act -- I'm not disputing this act. I've
4 never said that the act didn't exist. The
5 only thing that I'm here for is the stop that
6 was made outside the city limits, the sign
7 that was placed at the time. That's the only
8 reason I'm here. Other than that --

9 Q. Well --

10 A. I'm not disputing the act. I've not read it
11 all. I don't know what -- Like I said, I hope
12 this is true and this would be beautiful if it
13 was. I have no problem with the act. I don't
14 understand why this was even brought into the
15 equation because it's clearly irrelevant.
16 I've never argued about whether or not an act
17 existed. I've never said -- This has nothing
18 to do with the act.

19 Q. Do you dispute, Mr. Austin, that this act
20 extends the municipal limits of the city of
21 Tuskegee to include the right-of-way of State
22 Route 81 from the then existing Tuskegee city
23 limits to the northern edge of a bridge north

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1 of the parcels that were incorporated here?
2 A. I would need more factual development. I
3 can't right now say if that's -- if that's --
4 if that relates to the corporate lines as it
5 crosses the state highway. See, that's the
6 only problem I have. Other than that, you
7 know, I can't -- I can't dispute that act and
8 what it entails.

9 Tuskegee is entitled to right-of-ways.
10 They can get them everywhere they want, you
11 know. They have a right-of-way past my
12 house. I'm so used to that. We're
13 approximately three miles from the city
14 limits. But back in '74, they extended the
15 Tuskegee jurisdiction for gas pipeline
16 purposes all the way past my house, all the
17 way up 199 across to I believe it's County
18 Road 56, and they had jurisdiction all the way
19 up there.

20 But where the line crosses the state
21 highway, it was 55. That highway was 55 miles
22 an hour all the way up. But they had,
23 apparently, concurrent jurisdiction, but they

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1 didn't have -- I mean, they could go up there
2 at the right-of-way, but they could not write
3 tickets outside of the city limits.

4 And I think this is probably where the
5 city and I -- I know this is where the city
6 and I part. I trust that the city and I trust
7 that the city today is going to acknowledge
8 that wherever that city limit sign is placed,
9 that that is the corporate city limits. Other
10 than that, it's a misrepresentation.

11 And then for them to come and bring this
12 in is like grasping straws. What is your
13 defense? If you don't have a defense, say I
14 don't have a defense, you know, and let's work
15 this out. But for God's sake, I can only
16 rely -- and I made the point earlier.
17 Sterling Bank, Synovus. Oh, do they? Oh, let
18 me pull in there. Now, if that says Sterling
19 Bank and Synovus and I drive up in there and
20 say, oh, man, the people are just fooling you,
21 it's April Fool; that's a chicken place up in
22 there. All right. Then I take off and I go
23 up here and I'm looking for a car and I have

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1 the same scenario and the sign says car place
2 and I drive up in there and it turns out to be
3 a juke joint --

4 Sir, that's not the way we do it here.
5 That's not the way we do it. So I can only
6 rely -- I'm not even arguing with where the
7 city limit sign was placed. As a matter of
8 fact, I agreed with it. I had no basis not to
9 because the state and the city get together
10 and place those signs, and it's up to me to
11 obey that.

12 Q. Mr. Austin, you have not answered my
13 question. I would appreciate it if you would
14 just answer my question instead of giving me a
15 ten-minute dissertation on what you believe
16 the law should be.

17 A. I've never said what the law should be. I'm
18 saying the city limit sign, Counselor, is the
19 only thing I used at the time. I was not
20 aware of this when I was stopped. No, I was
21 not.

22 Q. Do you dispute that the -- Where do you say
23 the Tuskegee municipal limits were on Alabama

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1 sign does not determine where the city limits
2 are. The location of the city limits is
3 established by law. Act 2004-248 of the
4 Alabama legislature extended the city limits
5 of the city of Tuskegee to a point north of
6 I-85 to include that stretch of the
7 right-of-way of Alabama Highway 81. Do you
8 dispute that?

9 A. Again, I need more factual development. You
10 are representing the defendants.

11 Q. Mr. Austin, my question is, do you dispute
12 that Act Number 2004-248 of the Alabama
13 legislature extended the city limits of
14 Tuskegee --

15 A. I don't know, Counselor.

16 Q. -- to a point -- let me finish my question --
17 to a point north of I-85 to include that
18 stretch of right-of-way of Alabama Highway 81?

19 A. I don't know. I don't have enough factual
20 information, so I'm not -- I'm not in a
21 position to say. But, now, what you passed me
22 I'm not in argument with. I can agree with
23 that.

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1 Highway 81 on July 5 of 2007?

2 A. Right where the sign was.

3 Q. Are you saying that the sign -- the placement
4 of the sign wherever it was trumps or is more
5 important or overcomes the act of the
6 legislature of the state of Alabama signed
7 into law by the governor that extended the
8 municipal limits north of I-85 on Alabama
9 Highway 81?

10 A. Counselor, I'm merely stating -- you asked the
11 question where did I think the sign -- where
12 did I think the limits were. I said the
13 limits were where the sign was placed. I
14 didn't add any additional verbiage to that.

15 And my position is as a citizen, I rely
16 on the sign. That's all I can do, you know.
17 I don't know anything about the other side
18 issues that are non-issues in this case. I'm
19 only concerned with the ticket that was
20 written and where the city -- in proximity to
21 where the city limit sign was and where
22 Officer Dawson was parked at the time.

23 Q. Mr. Austin, the location of the city limit

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1 Q. What factual information/development do you
2 need to be able to read the law and tell me
3 what the law says?

4 A. Counselor, I'm not saying what the law is.

5 Q. I'm asking you a question. I'm asking you a
6 question. What factual information do you
7 need to be able to tell me whether that act of
8 the Alabama legislature includes the
9 right-of-way of Alabama Highway 81 up to a
10 point north of I-85?

11 A. I'm not disputing this.

12 Q. Thank you.

13 A. I just don't know anything about it.

14 Q. What policy, practice, and custom is there of
15 the city of Tuskegee to operate a speed trap
16 outside of the city limits on Alabama Highway
17 81 north?

18 A. Well, I think you just cited that when you
19 indicated that they have right-of-way and
20 jurisdiction up to the interstate when, in
21 fact, the city limit sign is what I was using
22 and I still use it. So they were outside the
23 city limit -- corporate city limit sign.

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1 Q. Mr. Austin, the city limit sign doesn't set a
2 speed limit. How did they have a policy,
3 practice, custom, and usage of operating a
4 speed trap?

5 A. Counselor, I disagree with you there
6 respectfully. The city limit signs are
7 usually 45 miles an hour, especially in
8 Tuskegee. And outside of the city limits,
9 it's 55.

10 But, now, I agree with you the state law
11 sets the speed limit. But inside the
12 corporate limits, the speed limit is 45. Now,
13 once you go outside the corporate limits in
14 Macon County in Tuskegee, then you see the 55
15 mile-an-hour sign. I agree with you as far as
16 the law. The state sets the law.

17 Q. What practice -- what practice -- let me
18 rephrase this. What policy did the city of
19 Tuskegee have that related to operating a
20 speed trap as you alleged on Alabama Highway
21 81 North? What specific policy did they have?

22 A. According to Officer Dawson, she was
23 instructed to shoot radar where she was, and

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1 where Officer Dawson was outside of the
2 corporate city limit sign. And Officer Dawson
3 indicated that she was told to do that, so she
4 wasn't doing this on her own.

5 So that would be the practice and the
6 policy to operate and shoot radar back into
7 the city outside of the city limits in
8 violation of the state law.

9 Q. Well, Mr. Austin, you just got through saying
10 you didn't dispute that the city limits of
11 Tuskegee included that section of 81 at the
12 time that you were stopped. So how was
13 that --

14 A. That's not exactly what I said. My position
15 has always been -- and I'll say it more than
16 once. I'm only concerned with the line, the
17 border as it crosses the state highway. Now,
18 beyond that, property on both sides could very
19 easily be incorporated by the city. I'm only
20 concerned with the border and where the city
21 limit sign is placed.

22 So therefore, based on what -- the
23 question you raised to me, Counselor, was with

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1 respect to this act. So I couldn't -- you
2 know, I can't really dispute if that act
3 transpired without more factual development
4 and whether or not those particular parcels of
5 land that are written on here were actually
6 incorporated in the city limits.

7 I'm assuming that they were based on this
8 document, but I'm not interested in parcels of
9 land and right-of-ways along state highway.
10 I'm only interested in for ticket writing
11 purposes, where does the corporate city
12 limit -- municipal corporate city limits end?
13 And the only way that I could determine that
14 was where the city limit sign was placed.

15 And where the city limit sign was
16 placed -- inside of the city limits, the sign
17 reads 45 miles an hour; once you exit the city
18 limits, 55. That's the only thing that I can
19 go by. Now, again, what the act did and
20 whether or not it incorporated other parcels
21 of land, I can't dispute that.

22 Q. Mr. Austin, I understand that you're not a
23 lawyer and that you haven't been to law

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1 school, but you are representing yourself in
2 this action; is that correct?

3 A. That's correct.

4 Q. And to represent yourself in this action, you
5 have to have certain knowledge of basic
6 concepts of law; is that correct?

7 A. Well, I don't know if that's necessary. You
8 can go to small claims court and not have any.

9 Q. Are you aware, Mr. Austin, that the
10 right-of-way of a highway includes the highway
11 itself?

12 A. It depends. I don't follow you, Counselor.

13 Q. Do you not understand that this act that
14 incorporated the right-of-way of Alabama
15 Highway 81 into the Tuskegee municipal limits
16 to a point north of I-85 included the highway
17 itself?

18 A. The right-of-way to the highway? According to
19 that document, it does.

20 Q. Okay.

21 A. That's what it says. But, again, I'm
22 concerned with where the city limit sign is on
23 the highway. That's the only thing I read.

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<p>1 And we were outside of that city limit sign.</p> <p>2 Anything else is irrelevant.</p> <p>3 Q. Mr. Austin, did you anywhere in your complaint</p> <p>4 state that you detrimentally relied on the</p> <p>5 location of the city limit sign?</p> <p>6 A. I did not, and there was a reason for it,</p> <p>7 Counselor. At the time, they had not raised</p> <p>8 this issue here, because it shows where my</p> <p>9 thinking was at the time. I relied on the</p> <p>10 city limit sign. I wasn't expecting this to</p> <p>11 come up which is a side issue, again. And as</p> <p>12 I've indicated, you know, the fact that</p> <p>13 they've purchased other parcels of property,</p> <p>14 I'm happy about that.</p> <p>15 But at the time, I was only concerned --</p> <p>16 and I'm only concerned now -- not with this,</p> <p>17 not with that, because I don't know anything</p> <p>18 about it. But I'm concerned with the stop</p> <p>19 that was made, where it was located in</p> <p>20 conjunction with the city limit sign.</p> <p>21 Q. Mr. Austin, let's just cut to the chase and</p> <p>22 let's quit talking about the city limit sign</p> <p>23 for a minute. 2004-248 of the state of</p>	<p>1 Q. Mr. Austin, it's the law that covers the city</p> <p>2 limits of the city of Tuskegee, and you're</p> <p>3 arguing with me about where those city limits</p> <p>4 are or should be.</p> <p>5 A. No, sir.</p> <p>6 Q. And now you're telling me that you haven't</p> <p>7 read the law or don't understand the law that</p> <p>8 sets those city limits?</p> <p>9 A. With all due respect, I'm not arguing that</p> <p>10 point with you.</p> <p>11 Q. Mr. Austin --</p> <p>12 A. I'm talking about the city limit sign.</p> <p>13 Q. That's the whole point about why we're here,</p> <p>14 is where the city limits were. Your argument,</p> <p>15 your complaint says that you were stopped</p> <p>16 outside the city limits.</p> <p>17 A. I did.</p> <p>18 Q. Your complaint doesn't say that you</p> <p>19 detrimentally relied on the city limit sign.</p> <p>20 It doesn't say that the city limits were</p> <p>21 determined by the city limit sign. You're</p> <p>22 trying to change your whole argument and your</p> <p>23 whole complaint and you want to quibble with</p>
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<p>1 Alabama says that that stretch of Alabama</p> <p>2 Highway 81 where you were stopped was in the</p> <p>3 municipal limits of the city of Tuskegee on</p> <p>4 July 5, 2007, correct?</p> <p>5 A. Where is that at?</p> <p>6 Q. We just got through reading it, Mr. Austin.</p> <p>7 A. No, I didn't see that.</p> <p>8 Q. Do you say it does not say that?</p> <p>9 A. No, I'm saying I didn't see it. Where is it?</p> <p>10 Q. Are you saying that Act 2000 --</p> <p>11 A. No, I'm --</p> <p>12 Q. Hold on, Mr. Austin. Are you saying that Act</p> <p>13 2004-248 of the Alabama Legislature signed</p> <p>14 into law by the governor did not include that</p> <p>15 section of Alabama Highway 81 where you were</p> <p>16 stopped on January -- excuse me, July 5, 2007,</p> <p>17 within the Tuskegee municipal limits?</p> <p>18 A. May I?</p> <p>19 Q. Certainly.</p> <p>20 A. Where is it? Point it out to me, Counselor,</p> <p>21 because I looked at it. I didn't read it.</p> <p>22 Q. Mr. Austin, it's the law that --</p> <p>23 A. I'm saying, where is that section at?</p>	<p>1 me here about stuff that is totally irrelevant</p> <p>2 that you keep bringing up.</p> <p>3 This act sets where the city limits are,</p> <p>4 and you want to say you've got to have factual</p> <p>5 information in addition to it to tell what it</p> <p>6 says. Well, tell me where the city limits</p> <p>7 were on July 5, 2007.</p> <p>8 A. Right where the sign was.</p> <p>9 Q. What is your legal basis for saying that?</p> <p>10 Cite me a section of the Alabama Code that</p> <p>11 says that the city limit sign determines where</p> <p>12 the city limits actually are and that it</p> <p>13 overrules the act of the Alabama Legislature.</p> <p>14 Tell me where that is.</p> <p>15 A. I don't have that law in front of me, but I</p> <p>16 can say what I relied on.</p> <p>17 Q. Well, tell me --</p> <p>18 A. I relied on --</p> <p>19 Q. Tell me where the law is that you relied on.</p> <p>20 A. I'll have to look it up, sir, but I can say</p> <p>21 this. The law has stated that absent of a</p> <p>22 sign --</p> <p>23 Q. Where in the law does it say that? Tell me</p>

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1 where in the Code of Alabama it says that.
 2 A. I'll have to find it.
 3 Q. Have you ever read that in the Code of
 4 Alabama?
 5 A. I have. Absent a sign --
 6 Q. What title of the Code of Alabama is that
 7 found in?
 8 A. I'll have to find it, sir.
 9 Q. As we sit here today, you don't know of that
 10 law, do you?
 11 A. I know the law exists. I read it. I don't
 12 have it handy. I'm saying I can't read it to
 13 you. I can't present it, but I can -- I'll be
 14 glad to present the document to you, sir.
 15 Q. Did you cite it in your complaint?
 16 A. I did not because at the time, I didn't feel I
 17 needed to because this was about the city
 18 limit. It wasn't about anything else.
 19 And I want to make sure that we
 20 understand this. I'm only concerned with the
 21 city limit sign in conjunction with where the
 22 stop was. Now, beyond that, I can't argue one
 23 way or the other.

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1 Q. Well, see, Mr. Austin, we've already
 2 established by the act of the legislature that
 3 the city limits extended beyond that point.
 4 Then you want to argue the sign. Then when I
 5 talk about the sign, you want to argue about
 6 where the city limits were. Now, you can't
 7 have it both ways.
 8 A. The city limits is still where they were
 9 then. They haven't changed.
 10 Q. You're saying the city limits are where?
 11 A. Right where the sign is, indicative of the
 12 sign.
 13 Q. Are you saying that the Tuskegee defendants
 14 stopped you because you were black?
 15 A. What I was saying is, they stopped me. And as
 16 a result of that stop, I am special from the
 17 standpoint of a citizen of the United States
 18 because I'm African-American and I'm
 19 protected. I have certain rights under that
 20 14th Amendment.
 21 Q. You have rights that other citizens don't
 22 have?
 23 A. We have -- We have some protected rights as a

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1 result that a number of citizens don't have.
 2 Q. What rights do you have that other citizens
 3 don't have?
 4 A. Well, the right not to be discriminated
 5 against.
 6 Q. So other citizens can be discriminated
 7 against?
 8 A. The right not to be discriminated against
 9 because of your ethnicity is the point that I
 10 was making.
 11 Q. So the special right that you have as an
 12 African-American is not to be discriminated
 13 against because of your ethnicity, but those
 14 of other ethnicities don't have a similar
 15 right?
 16 A. A lot of them do, sir.
 17 Q. What ethnic group does not have the right not
 18 to be discriminated against because of their
 19 ethnicity?
 20 A. I wouldn't -- I wouldn't know.
 21 Q. What of your rights were violated because you
 22 were an African-American?
 23 A. Well, the idea is -- again, more factual

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1 development is necessary in this instance
 2 because I've not had extensive -- I've not had
 3 any extensive discovery of the defendants. So
 4 the question that you asked me I can't answer
 5 it because I don't have any documentation from
 6 the other side.
 7 Q. You made the complaint. You made an
 8 allegation. You had to have some facts to
 9 base that on, didn't you?
 10 A. Yes, sir, the law.
 11 Q. Well, how were you discriminated against on
 12 the basis of your being an African-American by
 13 Officer Dawson?
 14 A. We would have to, again, factually develop
 15 that at some point in time.
 16 Q. You filed the complaint. You said you had
 17 some facts and a basis for doing that at the
 18 time you filed the complaint. How did Officer
 19 Dawson --
 20 She's a black female, correct?
 21 A. Yes, sir.
 22 Q. How did she discriminate against you on the
 23 basis that you're an African-American?

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1 A. Well, I never said that she did.
 2 Q. Okay. How did Chief Patrick, who's an
 3 African-American man --
 4 A. I didn't say he did.
 5 Q. Judge Bulls is an African-American man, isn't
 6 he?
 7 A. Yes, sir.
 8 Q. How did Judge Bulls discriminate against you
 9 on the basis that you're an African-American
 10 man?
 11 A. I didn't say that either.
 12 Q. How did Mr. Thomas, the city prosecutor --
 13 He's an African-American man, isn't he?
 14 A. No, I think he's Caucasian.
 15 Q. Are you sure?
 16 A. I said I think he's Caucasian.
 17 Q. But you're not sure?
 18 A. Again, this is -- you would have to -- I don't
 19 have enough factual development to say if, in
 20 fact, he is.
 21 Q. Let me ask you this, Mr. Austin. How did
 22 Mr. Thomas discriminate against you or violate
 23 your rights based on the fact that you're an

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1 African-American man?
 2 A. Again, Counselor, I would need to develop that
 3 in terms of what they did in comparison to
 4 what they've done against other ethnic
 5 groups. I don't have that information --
 6 Q. Mayor Ford is an African-American man, isn't
 7 he?
 8 A. Yes, I think.
 9 Q. How did Mayor Ford discriminate against you on
 10 the basis that you're an African-American man?
 11 A. Again, I would have to say the same thing. It
 12 would be based on whether or not anybody else,
 13 for example, had received a ticket driving the
 14 maximum speed limit in the state of Alabama
 15 and fined as a result of it. So if that -- if
 16 I'm the only one, then I could then proceed on
 17 those bases.
 18 Q. Do you know of any white men that have been
 19 driving through there that have been exceeding
 20 the speed limit and were let go by any of
 21 these people?
 22 A. I was not -- First of all, let's correct the
 23 record. The plaintiff was not exceeding the

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1 speed limit. The record reflects that I was
 2 driving the maximum speed limit, Counselor.
 3 Q. No, Mr. Austin, the record reflects based on
 4 your sworn testimony that you didn't know how
 5 fast you were going.
 6 A. I'm saying, but the judge stated that I was
 7 driving 55 miles an hour, and that's what he
 8 charged me with. And so I paid a ticket
 9 because I was driving 55 miles an hour in a 55
 10 mile-an-hour zone.
 11 Q. Mr. Austin, Judge Bulls found you guilty of
 12 driving 55 miles an hour in a 45 mile-per-hour
 13 zone.
 14 A. That's what the ticket states, yes, sir.
 15 Q. Well, Mr. Austin, you can't pick and choose
 16 your facts based on the judgment that Judge
 17 Bulls entered. He said that you were doing 55
 18 in a 45 zone, correct?
 19 A. That's what it says.
 20 Q. Thank you.
 21 A. But the law states otherwise.
 22 Q. What law states otherwise?
 23 A. The speed limit sign that says 55.

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1 Q. Judge Bulls found that it said 45, didn't he?
 2 A. That's what Judge Bulls found. That's what
 3 I'm disputing. That's why I sued the judge.
 4 Q. If you disputed that, Mr. Austin, why didn't
 5 you appeal your conviction to the Circuit
 6 Court of Macon County which you're entitled to
 7 do under Alabama law?
 8 A. I used the other option.
 9 Q. What option is that?
 10 A. To file a suit here.
 11 Q. If you wanted your conviction set aside, the
 12 only way to do that would have been to have
 13 appealed it to the Circuit Court of Macon
 14 County, correct?
 15 A. No, sir, that's not the only way. I can have
 16 it done here.
 17 Q. Mr. Austin, what malice did Officer Dawson
 18 have toward you?
 19 A. Well, actually, by citing me -- first of all,
 20 by stopping me, claiming that the speed limit
 21 was 45 when, in fact, it was 55.
 22 And then, of course, with her drawing up
 23 this ticket and swearing that the speed limit

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1 was 45 outside of the municipal city limits
2 when, in fact, the law says it's 55, and then
3 not even bothering to cite -- not even
4 bothering to cite the subparagraph to the
5 specific -- as a matter of fact, she still
6 hasn't done that. And now she acknowledges
7 the speed to be 55 in her affidavit.

8 Had she accepted my 55 mile-an-hour
9 travel at the time and offered to -- Judge
10 Bulls found me driving at 55 miles an hour,
11 you know, the case would have been dismissed
12 and I would have went home. There wouldn't be
13 a suit here.

14 Q. Where in her affidavit does Officer Dawson say
15 that the speed limit was 55 at the time that
16 she stopped you?

17 A. She didn't say it was 55 at the time. She
18 said it was 45. That's my point I'm making.
19 She claimed it was 45 then, and she and I
20 disputed that. I mean, we had a dispute.
21 That's another reason why I'm there. But,
22 now, she later recanted and said it's now 55
23 in her affidavit. But at the time, she

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1 claimed it was 45. Her sworn statement, she
2 wore it was 45, and I was convicted as a
3 result of that.

4 Q. Yes, sir. You were convicted of the speed
5 limit as it was on the date of your offense,
6 not on the date the speed limit changed at any
7 subsequent time.

8 A. That's still a dispute between the defendants
9 and the plaintiff.

10 Q. Well, as a legal matter, it's not because
11 you've been convicted. You chose not to
12 appeal it, and that conviction stands.

13 A. That is incorrect, Counselor.

14 Q. Well, what is your basis for stating that you
15 have the constitutional right to a trial by
16 jury on a speeding violation?

17 A. I can get that to you. It's on the back of
18 the ticket. I just have the front side here.

19 Q. Where on the ticket does it say you're
20 entitled to a jury trial?

21 A. It's on the back side. It talks about jury
22 trials on the back side of the ticket, you
23 know. Do you have the original or a copy of

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1 both sides? I just have the front. I'll be
2 glad to get it for you. I have it at the
3 house, the original at the house.

4 But just to clarify something,
5 Counselor. I wasn't asking for a jury trial
6 in the municipal court because I know they
7 don't give them, see. That was an
8 alternative. Providing Officer Bulls -- Judge
9 Bulls decided to dismiss it on jurisdictional
10 grounds, then the city then could go to the
11 circuit court and then ask that I be tried on
12 the same charge. That's where my jury -- I
13 would have been asking for a jury pursuant to
14 Alabama Rules of Civil Procedure 38.

15 I'm well aware that Officer Bulls -- I
16 mean Judge Bulls don't offer jury trials. I'm
17 well aware of that. I wasn't asking that. I
18 asked for the motion to dismiss on
19 jurisdictional grounds as the ticket happened
20 outside the city.

21 Q. Well, Judge Bulls found that it occurred
22 inside the city limits; is that correct?

23 A. I don't have anything from Judge Bulls to say

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1 that. What Judge Bulls did tell me, he said,
2 Mr. Austin, I find that you were driving 55
3 miles an hour in a 45 mile-an-hour zone. And
4 let me see if I can find that.

5 Do you have a copy of that? Do you have
6 a copy of it, Counselor? If not, I think --
7 I'm sure I've got that. Here it is. That's
8 all I have.

9 Q. You were found guilty of 55 in a 45 zone,
10 correct?

11 A. That's what Judge Bulls said, and that's what
12 prompted the suit. That gave rise to the suit
13 because I disagree with that. It's my
14 contention I was driving 55 miles an hour --
15 I'm sorry. The speed limit where I was, was
16 55 miles an hour. That's my contention.

17 Q. Do you have any documents that support your
18 claim that there was a policy or scheme or
19 plan by the city of Tuskegee to intentionally
20 entrap people for speeding in the area where
21 you were cited?

22 A. I don't have because I've not been able to get
23 any discovery. As you know, my discovery was

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<p>1 denied for being untimely filed, so I don't</p> <p>2 have any documentation. However, I'll look to</p> <p>3 other avenues for more factual development,</p> <p>4 and at that time I can better answer that</p> <p>5 question.</p> <p>6 Q. Where does your wife work?</p> <p>7 A. Magnolia Haven Nursing Home.</p> <p>8 Q. What does she do there?</p> <p>9 A. Dietary manager.</p> <p>10 Q. When did you first learn of your contention</p> <p>11 that the speed limit -- Strike that question.</p> <p>12 Mr. Austin, what do you claim that Mayor</p> <p>13 Ford did wrong in this case?</p> <p>14 A. Conspired, sir.</p> <p>15 Q. Who did he conspire with?</p> <p>16 A. Well, the names are down here. Albert C.</p> <p>17 Bulls III, which is the judge, Chief Patrick,</p> <p>18 Prosecutor Keith Thomas, Bernice Dawson, City</p> <p>19 of Tuskegee.</p> <p>20 Q. When did he conspire with them?</p> <p>21 A. During the time that this was going on.</p> <p>22 Q. What did he conspire with them to do that you</p> <p>23 contend was wrong?</p>	<p>1 longer enforcing traffic laws between Moton</p> <p>2 Field and I-85 on Alabama Highway 81 since</p> <p>3 your traffic stop?</p> <p>4 A. I'm contending that I have not seen the City</p> <p>5 of Tuskegee out there issuing tickets. I</p> <p>6 don't know about the rest. I've not seen them</p> <p>7 issuing tickets. And, Counselor, for all</p> <p>8 intents and purposes, to be fair about it,</p> <p>9 this is just about issuing tickets, nothing</p> <p>10 else.</p> <p>11 Like I said, I love Tuskegee. I respect</p> <p>12 the police force. I just wish they would</p> <p>13 respect us. When I include us, I include you</p> <p>14 by the way.</p> <p>15 Q. Well, you're not there 24 hours a day seven</p> <p>16 days a week to see whether or not they're</p> <p>17 writing tickets on that stretch of highway,</p> <p>18 are you?</p> <p>19 A. I'm not there, no, sir. But I have not seen</p> <p>20 them writing a ticket on that stretch of</p> <p>21 highway since they issued a ticket to me. And</p> <p>22 I have not even seen the vehicles out there</p> <p>23 stopped at the end. However, I have seen them</p>
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<p>1 A. 45 mile-an-hour in a 55 mile-an-hour zone.</p> <p>2 Q. I'm sorry. Explain that for me.</p> <p>3 A. Well, real simple. They're outside the city</p> <p>4 limits shooting radar back in, and they're</p> <p>5 grabbing -- at least they grabbed me and</p> <p>6 claimed that the speed limit was 45 when, in</p> <p>7 fact, it was 55 miles an hour.</p> <p>8 Now, I know especially Mayor Ford, he's</p> <p>9 out there all the time. They know better. As</p> <p>10 indicated by Chief Patrick I know of, Bernice</p> <p>11 Dawson I know of -- they've got 20, 20 plus</p> <p>12 years experience out there. They knew exactly</p> <p>13 what they're doing.</p> <p>14 But I will say this in their defense.</p> <p>15 Since that happened, I've not seen them out</p> <p>16 there, so I give them that much credit.</p> <p>17 People have been looking. People have been</p> <p>18 spotting and they've been telling me I don't</p> <p>19 see them out there no more. And I said to</p> <p>20 them I'm glad, because they shouldn't have</p> <p>21 been out there in the first place. So that's</p> <p>22 a good thing.</p> <p>23 Q. Do you contend that the City of Tuskegee is no</p>	<p>1 traveling maybe up the road, but I've not seen</p> <p>2 them out there even parked at the end, which</p> <p>3 is a good thing. I emphasize that. That's a</p> <p>4 good thing. And I support the Tuskegee PD. I</p> <p>5 support them issuing tickets within their</p> <p>6 corporate city limits at 45 miles an hour.</p> <p>7 Now, I'll tell you where I have seen</p> <p>8 her. I've seen her. My wife drives that road</p> <p>9 every day -- at least five days a week, and we</p> <p>10 normally see her in the park -- the industrial</p> <p>11 park which is inside the municipal corporate</p> <p>12 city limits right there just before you get to</p> <p>13 199 and 81 -- on 81 before you intersect</p> <p>14 there, just south of there where the old</p> <p>15 Wilson store used to be. We see her parked</p> <p>16 there. Rightfully so. We applaud them for</p> <p>17 doing it. That's where she should have been</p> <p>18 parked that morning. That's the only --</p> <p>19 That's my position.</p> <p>20 I'm not fighting the city like that. I</p> <p>21 appreciate the city. I grew up there. I</p> <p>22 raised three daughters there, sir. We love</p> <p>23 the town, but we certainly would like for it</p>

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1 to be fair. And when you and other people
2 come in to visit, we want to make sure that
3 they're treated -- that the department treats
4 you fair so you'll come back. It's not really
5 about me.
6 Q. Well, Mr. Austin, let me ask you this.
7 Officer Dawson has given a sworn affidavit
8 that at the time of your traffic stop, the
9 speed limit where you were stopped was 45
10 miles an hour.
11 A. That's correct.
12 Q. Chief Patrick has given a sworn affidavit
13 stating that where you were stopped, at the
14 time of the stop the speed limit was 45 miles
15 an hour; is that correct?
16 A. You know what? You're asking --
17 Q. Mr. Austin, is that correct?
18 A. I can't recall. Let me see -- I don't have
19 that motion before me. I know he's given an
20 affidavit, and I don't know if he's cited the
21 speed limit. I know he cited his experience
22 and something else, but I can get that back to
23 you, sir. I don't have it. Do you have a

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1 copy of it? I'll be glad to look at it. If
2 that's so, I'll acknowledge it.
3 For the record, that's my dispute, that
4 it's 55 rather than 45. I mean, I can testify
5 to you that Judge Bulls already stated that,
6 so I'm in dispute with him. I'm in dispute
7 with all of them.
8 Q. Do you recall seeing that before, an affidavit
9 of Chief Patrick?
10 A. Right. I was trying to see where it says 45.
11 I don't remember seeing 45 on here. No, sir,
12 I don't see 45 on here.
13 Q. Says the posted and legal speed limit where
14 Mr. Austin --
15 A. Describe the ... Yeah, he did say that in July
16 2007.
17 Q. July 2007. Chief Patrick has said that was
18 the speed limit.
19 A. And Judge Bulls said it.
20 Q. Judge Bulls said that.
21 A. And that's why I'm down here.
22 Q. Mr. Thomas, the prosecutor, maintained that
23 that was the speed limit there, too, when he

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1 prosecuted you there, is that correct?
2 A. I'm assuming that's what he -- we don't have a
3 statement from him, so I can't --
4 Q. You were prosecuted for doing 55 in a 45 zone,
5 correct?
6 A. That's what Judge Bulls said. My contention
7 is that I was driving 55 -- I mean, my
8 contention is I don't know exactly how fast I
9 was driving, but Judge Bulls said that I was
10 driving 55 in a 45 mile-an-hour zone. I want
11 to make sure I'm clear on that.
12 Q. Well, you were prosecuted for speeding --
13 exceeding the speed limit in a 45 mile-per-
14 hour zone; is that correct?
15 A. That's the way they prosecuted me.
16 Q. And that's how Mr. Thomas, the city
17 prosecutor, prosecuted the case, that you were
18 exceeding the speed limit in a 45 mile-per-
19 hour zone; is that correct?
20 A. I would guess -- I would think so. But we
21 don't have a statement from him, so I can't
22 put words in his mouth, Counselor, but I would
23 assume that that -- you know, that would stand

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1 to reason that would be his position.
2 Q. All these people contend that the speed limit
3 at the time was 45 except for you, correct?
4 A. Yes, sir. That's why the lawsuit is here.
5 Q. Do you have any evidence other than your
6 say-so that the speed limit on that stretch of
7 Alabama Highway 81 was not 45 miles per hour
8 on July 5, 2007?
9 A. Do I have any evidence?
10 Q. Yes, sir.
11 A. I don't have any physical evidence, but the
12 signs up --
13 Q. The sign is up now?
14 A. What do you mean the sign is up now?
15 Q. If it says 55 now, it doesn't mean that was
16 the same sign that was there then, correct?
17 A. I don't know what you're referring to, sir.
18 The 45 mile-an-hour sign on this side of the
19 city limits, and then on the other side is 55.
20 Q. Are you talking about where the city limit
21 sign is north of I-85?
22 A. No, sir. There's a 55 mile-an-hour sign south
23 on 81 just outside -- it was just outside the

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1 city limits. But when I drove by the other
 2 day, it appears --
 3 Q. Mr. Austin, I'm sorry to interrupt you, but
 4 we're getting into this circular argument
 5 again. One minute you admit that the city
 6 limits were extended north of I-85 on Alabama
 7 Highway 81, and the next minute you're saying
 8 it's back down where the old --
 9 A. No, sir.
 10 Q. -- where the old sign was.
 11 A. I've never said the city -- I don't know where
 12 the city limits is except for where the city
 13 limits sign is, and the city limit sign is
 14 south of 85, almost back to 81. Now, that's
 15 the only thing I have stated directly, sir. I
 16 can't argue as to where the city limits is. I
 17 can only argue with where the city limit sign
 18 was.
 19 Q. Are you aware of any witnesses to the traffic
 20 stop that Officer Dawson made on you on July 5
 21 of 2007?
 22 A. No, other than Officer Dawson.
 23 Q. Do you have any evidence whatsoever other than

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1 your say-so that the speed limit on Alabama
 2 Highway 81 where you were stopped on July 5,
 3 2007, was not 45 miles per hour?
 4 A. Yes, sir, the sign. That's all I go by. I
 5 only went by the sign. The sign said 55 miles
 6 an hour.
 7 Q. Do you have a photograph from July 5, 2007,
 8 showing --
 9 A. I don't have a photograph. Counselor, if you
 10 want to drive up, it's there. You can look.
 11 Q. Do you have any evidence that the sign that's
 12 there now that shows 55 miles per hour is the
 13 same sign that was there on July 5, 2007?
 14 A. I can't say whether that's the same sign or
 15 not. I can just say a 55 mile-an-hour sign is
 16 up there now.
 17 People come along and, you know, people
 18 run into signs and knock them down. They do
 19 all kinds -- especially in Tuskegee. Ain't no
 20 telling how many signs may have been replaced
 21 here and there. Drunks run across them, bend
 22 them up, the state comes back and replaces
 23 them. I can't say if it's the same identical

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1 sign, no, sir.
 2 Q. Do you have any documents, any audio
 3 recordings, any video recordings, any other
 4 type of physical evidence of a conspiracy or a
 5 plan or a scheme or a practice by any of these
 6 defendants to knowingly and intentionally
 7 write speeding tickets for people who were
 8 doing more than 45 miles per hour but less
 9 than 55 miles per hour in the area where you
 10 were stopped?
 11 A. I followed you up until a point. I was trying
 12 to keep up with your eyes. If you don't mind
 13 repeating it again. I'm trying to follow
 14 you. It's almost like two or three -- I
 15 almost feel you. Come again.
 16 Q. Mr. Austin, you're claiming that there was a
 17 conspiracy, a plan, a scheme or some type of
 18 practice by all these defendants that you've
 19 named in the lawsuit to knowingly cite people
 20 for speeding in the area where you were,
 21 knowing that the -- with them knowing that the
 22 speed limit was not 45 miles per hour and
 23 knowing that the speed -- the city limits were

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1 not -- did not include that area. Do you have
 2 any physical evidence whatsoever --
 3 A. Yes, sir.
 4 Q. -- of that?
 5 A. Yes, sir. You have it in your file.
 6 Q. What is that, Mr. Austin?
 7 A. The document.
 8 Q. What document, Mr. Austin?
 9 A. The very one -- the ticket complaint that she
 10 filled out.
 11 Q. Your only evidence of this conspiracy was the
 12 traffic ticket that was written by Officer
 13 Dawson; is that correct?
 14 A. And in combination with Officer Dawson's
 15 testimony in her affidavit and Officer
 16 Dawson's testimony in the court that got me
 17 convicted when she was shooting radar back
 18 into the city. I know Officer Dawson doesn't
 19 do that without her superiors being involved.
 20 That's her testimony, not mine. That's what
 21 got me convicted.
 22 And if I may cite, Counselor, while
 23 you're there, that ticket itself still doesn't

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1 tell us -- you, I, or anyone else -- whether
2 or not she was in the city or outside the city
3 because she didn't check it, and she purposely
4 omitted the subsection. To this day, I'm
5 looking for her subsection. Mine is nine.

6 MR. DUKES: Thank you, Mr. Austin.

7 I don't have any more questions.

8 THE WITNESS: Thank you, sir.

9 (Deposition concluded at 12:30 p.m.)
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14 *****

15 FURTHER DEPONENT SAITH NOT

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1 examination of said witness by counsel for the parties
2 set out herein. The reading and signing of same is
3 hereby not waived.

4 I further certify that I am neither of kin
5 nor of counsel to the parties to said cause nor in any
6 manner interested in the results thereof.

7 This 8th day of April 2008.
8
9
10

11 Lisa J. Green, ACCR #334

12 Expiration Date: 9-30-2008

13 Registered Professional Reporter
14 and Commissioner for the State
15 of Alabama at Large
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1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA:

3 MONTGOMERY COUNTY:

4 I, Lisa J. Green, CCR, Registered
5 Professional Reporter, and Commissioner for the State
6 of Alabama at Large, do hereby certify that I reported
7 the deposition of:

8 ALONZO AUSTIN

9 who was first duly sworn by me to speak the truth, the
10 whole truth and nothing but the truth, in the matter
11 of:

12 ALONZO AUSTIN,

13 Plaintiff,

14 Vs.

15 CITY OF TUSKEGEE, et al.,

16 Defendants.

17 In The U.S. District Court

18 For the Middle District of Alabama

19 Northern Division

20 Case Number 3:07-cv-754-MHT

21 on Friday, March 28, 2008.

22 The foregoing 129 computer printed pages
23 contain a true and correct transcript of the

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1 I, Alonzo Austin, hereby certify that I have
2 read the foregoing transcript of my deposition given
3 on Friday, March 28, 2008, and it is a true and
4 correct transcript of the testimony given by me at the
5 time and place stated with the corrections, if any,
6 and the reasons therefor noted on a separate sheet of
7 paper and attached hereto.
8
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14 Alonzo Austin
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16

17 SWORN TO AND SUBSCRIBED before me this
18 day of _____, 20__.

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1
2
3 I, Alonzo Austin, hereby certify that I have
4 read the foregoing transcript of my deposition given
5 on Friday, March 28, 2008, and it is a true and
6 correct transcript of the testimony given by me at the
7 time and place stated with the corrections, if any,
8 and the reasons therefor noted on a separate sheet of
9 paper and attached hereto.
10
11
12

13 Alonzo Austin prose
14 Alonzo Austin
15
16

17 SWORN TO AND SUBSCRIBED before me this
18 5TH day of MAY, 2008.
19
20

21 Valerie A. Hall
22 NOTARY PUBLIC
23

My Commission Expires January 25, 2012

CORRECTION SHEETPAGE LINE SCORRECTIONS

1: 14, 15

Are incorrect,

3: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23

Are incorrect

4: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,

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4: 16, 17, 18, 19, 20, 21, 22, 23

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5: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,

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6: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.

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24: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23

INadmissible

Via Certified Mail

by Alonso Pineda
 (Witness)
 1321 02100 - Austin Rd.
 Tadegee, MI, 36083
 Ph# (334) 727-5476

PG- 2 of 5

CORRECTION SHEET

<u>PAGE</u>	<u>LINES</u>	<u>CORRECTIONS</u>
25:	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23	Inadmissible
26:	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23	Inadmissible
27:	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23	Inadmissible
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29:	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23	Inadmissible
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36:	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23	Inadmissible
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38:	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23	Inadmissible
39:	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23	Inadmissible
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Alonso Austin (Witness)

1321 River Carlis Rd,

Tuskegee, AL 36683

Ph (334) 227-5476

Pg. 3 of 5

CORRECTION SHEET

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTIONS</u>
51	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
52	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
53	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
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56	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
57	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
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84	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
85	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible

by, Alonzo Austre pro se

Alonzo Austre (Witness)

1321 Ozier - Carl's Rd

Tuskegee, AL 36083

Ph. # (334) 721-5474

CORRECTION SHEET

<u>PAGE</u>	<u>LINES</u>	<u>CORRECTIONS</u>
86	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
87	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
88	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
89	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
90	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
91	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
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98	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
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104	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
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107	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
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114	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
115	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
116	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
117	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
118	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
119	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible
120	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	INadmissible

by, Alonso Austin Pro
 Alonso Austin (Witness)
 1321 Oliver - Carl's Rd.
 Tuskegee, AL 36083
 Tel# (334) 727-5476

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CORRECTION SHEET

<u>PAGE</u>	<u>LINES</u>	<u>CORRECTIONS</u>
121	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
122	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
123	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
124	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
125	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
126	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
127	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
128	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
129	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
130	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
131	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible
132	1, 2, 3,	Inadmissible
132	4	Replaced the word <u>given</u> with the words <u>objected to</u> .
132	5,	Inadmissible
132	6,	Replaced the word <u>given</u> with the words <u>objected to</u> .
132	7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	Inadmissible

by Alonzo Austin
 ALONZO (Witness)
 1321 Oliver - Carlis Rd.
 Tuckee, GA, 36083
 (334) 727-5476

PG. 1 of 6 (Via Certified mail)

PAGE LINES REASONS FOR CORRECTIONS.

1:	14	Plaintiff, Alonzo Austin, Objection (Doc. #44:
1:	15	its Motion For protective order (Doc. #45:
		Filed on March 27, 2008).
3:	1 thru 23	Plaintiff, Alonzo Austin, Objection (See above)
4:	1, 2	For the same reasons given above.
4:	6 thru 23	" " " " " "
5:	1 " 23	" " " " " "
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PAGE LINES REASONS FOR CORRECTIONS (CONTINUES)

25: 1 thru. 23 For the Same reasons given above.

26: 1 thru. 23 " " " " " "

27: 1 thru. 23 " " " " " "

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PAGES LINES REASONS FOR CORRECTION (CONTINUES)

51:	1 thru 23	For the same reasons given above				
52:	1 " 23	"	"	"	"	"
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PAGES LINES REASONS FOR CORRECTIONS (CONTINUES)

PAGES	LINES	REASONS FOR CORRECTIONS
77:	1 thru 23	for the same reasons given above.
78:	1 " 23	" " " " " "
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PAGES LINES REASONS FOR CORRECTIONS (CONTINUES)

PAGES	LINES	REASONS FOR CORRECTIONS (CONTINUES)
102:	1 thru. 23	For the same reasons given above
103:	1 thru. 23	" " " " " "
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PAGES LINES REASONS FOR CORRECTIONS (CONTINUES)

128:	1 thru 23	For the same reasons given above
129:	1 " 23	" " " " " "
130:	1 " 23	" " " " " "
131:	1 " 23	" " " " " "
132:	1 " 23	" " " " " "

by, ~~Alonzo Austin~~ prose
 ALONZO AUSTIN
 1321 Oliver - Carlisle Rd
 Tuskegee, AL 36083
 Ph # (334) 727-5476
 FAX # (334) 727-2159 ^{ADN} / ~~VAHNEE~~